THE

LAWS and ACTS

OF

PARLIAMENTS

Made by the moſt Excellent and Migh[ty]

King and Monarch,

JAMES

By the Grace of GOD, King of GREAT BRITAIN, FRANCE, *and* IRELAND, *Defender of the Faith, &c.*

Since His MAJESTIES 15. Parliament, the 19. of *December*, 1597.

Collected, Reviſed, and Extracted forth of the Regiſter of His Highnes Kingdom of SCOTLAND.

With a Table of the Principall Matters contained therein.

EDINBURGH,

Re-printed by *Andrew Anderſon*, Printer to the King's moſt Excellent MAJESTY, *Anno DOM.* 1674.

CUM PRIVILEGIO.

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THE SIXTEENTH PARLIAMENT OF *KING* JAMES THE SIXTH.

Holden at *Edinburgh*, the 15. day of *November* the year of GOD, 1600.

CHAP. I.

The fifth day of Auguſt *is appointed for giving yearly ſolemn thanks to GOD.*

FOraſmuch as the Eſtates of this Realm, acknowledging that ſingular benefit, grace and favour of GOD, beſtowed upon them by his miraculous and extraordinary preſervation of their moſt gracious Soveraign from the horrible and deteſtable murther and parricide attempted againſt His *Majeſties* moſt noble Perſon, by umquhile *John* Earl of *Gowrie*, and umquhile Maſter *Alexander Ruthven* his brother, upon the fifth day of Auguſt laſt bypaſt: And that it becommeth them with moſt humble and thankful hearts, to give unfained and daily praiſe to their merciſull GOD, for the ſafety of every one of themſelves, and of the whole body of this Common-wealth, preſerved from wrack and utter confuſion, by the miraculous and bountifull deliverance of His *Majeſty* from the ſaid Treaſon in manner foreſaid. Therefore our Soveraign Lord with advice and conſent of the whole Eſtates, Statutes and Ordains, that in all times and ages to come, the fifth day of Auguſt, ſhall yearly be appointed and keeped in all the Presbyteries and Parochins within this Realm and bounds of his whole Dominions, for publick preachings, prayers, and ſolemn thankſgiving to GOD for his great mercy and favour granted to this Realm, and every member thereof, by His *Majeſties* gracious and miraculous preſervation, as ſaid is, upon the ſaid day. And a perpetuall monument of their moſt humble, hearty and unfained thanks to GOD for the ſamin. And that all work, labour, and other occupations, which may in any wiſe diſtract the people from the ſaids godly exerciſes, and thankſgiving yearly, upon the day foreſaid, ſhall be forborn and abſtained from. And that all Judges Civill and Eccleſiaſticall, ſhall cauſe the ſamin to be univerſally obſerved, every one of them, within the bounds of their own juriſdiction; and fee the contraveeners thereof puniſhed according to the quality of their tranſgreſſion.

569,960

CHAP.

CHAP. II.

Act of annexation of the forefaulted lands, and others to the Crown.

FOrasmuch as it is clearly understood by the Kings *Majesty*, and Estates of this Realm, that the augmentation of the Patrimony any Revenues of the Crown thereof, not onely serves for the forth-setting and maintenance of his Highnes honour and royall estate, but also relieves greatly his Subjects of divers charges and heavie burdens.

Therefore our said Soveraign Lord, following the commendable examples of his most Noble Progenitors, with advice and consent of His *Majesties* Estates, unites, annexes, and incorporats to his Highnes Crown, therewith to remain perpetually, and inseparably in all time coming, the Lands, Lordships, Baronies, Abbacies, and others under-written, which may neither be given in frank-tenement, fee, or otherwise to any person of whatsoever estate or degree, without advice, decreet and deliverance of the hail Parliament, and for great, reasonable, profitable and seen causes, concerning the welfare of the Realm, first to be advised and digestly considered by the whole Estates. And albeit it shall happen our said Soveraign Lord, that now is, or any of his Successours, Kings of *Scotland*, to annalie or dispone the saids Lands, Lordships, Baronies, Abbacie, or others under-written, with their pertinents presently annexed to the Crown, as said is, or any part thereof, that the saids alienations shall be null and of none availl; and that it shall be lesom to the King for the time, or his Successours, to receive the saids Lands, Livings, Abbacie, and others foresaids, with the pertinents, to their own use, whenever it shall please them, without any processe of law, and the takers shall refound and pay all profits that they have taken up of the saids Lands, and others foresaids to the King, for all the time that they have had them, with such other restrictious as are conteined in the Acts of Parliament, made by His *Majestie* and his noble Progenitors, Kings of *Scotland*, in their annexations to the Crown. Whilks haill former Acts of annexation, and all and sundry articles, provisions and restrictions therein conteined, are holden as repeated, and specially expressed and comprehended in this present Act. These are the names of the Lands and others with the pertinents presently annexed to the Crown: All and haill the Lands, Earldom, Lordship and Baronie of *Gowrie* and *Scoone*: All and haill the Lands, Lordship and Baronie of *Ruthven*, *Ballerno*, *Newtown*, *Kowgask*, *Strathbrane* *Glenshie* and *Trochrie*: All and haill the Lands, Lordships, Baronies, Teinds, Commodities and Rents whilks pertained to the Abbacie and Monasterie of *Scoon*, with all and sundry the Lands, Lordships, Baronies, Mylnes, Moulters, Schawes, Woods, Parks, Fishings, Townes, Villages, Burrowes of Regalitie or Baronie, Tenements, Annualrents, Reversions, Customes, Few-ferms, Places, Houses, Buildings, Castles, Toweres, Manorplaces, Out-sets, Yards, Orchards, Kirks, Teinds, Advocation, Donation, and right of Patronage of Kirks, Hospitals, Chaplenries and Prebendaries, Tenents, Tenendries, and service of free-tenents, Profits, Emoluments, Commodities and Pertinents whatsomever of the samin Lordships, Baronies, Lands, Abbacie, Benefices, Patronages, Teinds and others particularly above-mentioned, or any part thereof. All and haill the Tenement and Lodging in *Perth*, whilk perteined to umqhile *John* Earl of *Gowrie*, with the Yards and others pertinents perteining thereto: With all and sundry other Lands, Lordships, Baronies, Benefices, Rents and Possessions whilks perteined either to the said umqwhile *John*, some time Earl of *Gowrie*, or to his predecessors, to whom he was heir, or appearand heir, or to whilks any wise he might have succeeded, or have had right to, or was posseft by him by the space of five years, before the committing of the crimes of Treason, for the whilks his memory and posterity are fore-faulted, and declared unhabile and incapable to bruke and possesse Lands, Heritages, Benefices, Offices or others Dignities or Commodities within this Realm, and now perteining to our said Soveraign Lord, and being in his Highnes hands by reason fore-said.

Attour,

Attour, our said Soveraign Lord, with advice foresaid, suppresses and dissolves the Regalities and heretable Offices pertaining to the said *John* Earl of *Gowrie* or his predecessours, or which were annexed to any of the Lands, Lordships, and others foresaids, and unites, annexes, and incorporates the samin to His Highnes Royalty, therewith inseparably to remain in all time coming. And Ordains his Comptroller present and to come, to intromet with, uplift, and dispone upon the whole Rents, Profites and Commodities of all and sundry the Lordships, Baronies, Lands, Teinds, Rents, Revenues, Profits, Commodities, and others whatsomever above-specified to His Highnes proper use, and entertainment of His Highnes house, and other honourable charges belonging to the said Office in all time coming.

Finally, our said Soveraign Lord, with advice and consent foresaid, unites all and sundry the Lands, Lordships, Baronies, Benefices, and others particularly above-mentioned, annexed to His Highnes Crown, as said is, to the said Lordship of *Ruthven*, now and in all time coming, to be called the Lordship and Stewartrie of *Huntingtown*, and the Tennents, Inhabitants and Possessors thereof, to be answerable to His Highnes Stewart of the said Lordship united, as said is, with such Freedoms, Priviledges and Liberties as are any wise competent to Stewartrie of His Highnes propertie, or the Tennents and Indwellers of any of His Highnes proper Lands within this Realm. Excepting alwayes and reserving forth of this annexation, all and whole the third part of the Lands and Baronie of *Dirlton*, with the Tower, Fortalice, Manor-place thereof, Brabrother park, Heifield, Mensles and Mensiesmore, the town and lands of *Dirlton*, which were appryised by umquhile Master *Adam Otterburne*, and redeemed by umquhile Dame *Jean Halyburton*, with milnes, moulters, cunnings, cunningers, fishings aswell in salt waters as in the fresh, with advocation and donation of the Provestrie of *Dirlton*, with the tennents, tennendries, and service of free tennents, of all and whole the Lands and Barony of *Dirlton*, with all the pertinents thereof. The third part of the Lands and Baronie of *Bolton*, with milnes, moulters, tennents, tennendries, and service of free tennents, of all and whole the saids Lands and Baronie of *Bolton*, with the pertinents. The third part of the Lands and Baronie of *Langton* and *Halyburton*, milnes and moulters thereof, advocation and donation of the Chaplantie of *Halyburton*, with all their pertinents, with tennents, tennendries, and service of free tennents. Of all and whole the Lands and Baronie of *Halyburton*, with all pertinents. All and whole the superioritie and tennendries of the half Lands and Baronie of *Ballegermoch*, with the pertinents. All and whole the third part of the Lands and Baronie of *Abbrigtie*, with the milnes, moulters, milne-lands, wake-milnes thereof, tennents, tennendries, and service of free tennents of the samin. All and whole the third part of the half Lands of *Forgundeny*, with the milnes, moulters, milne-lands, tennents, tennendries, and service of free tennents of the saids half Lands and Baronie, advocation and donation of the Chaplantie of *Forgundeny*, with the pertinents. All and whole the third part of the Lands and Baronie of *Segie*, with milnes, moulters, milne-lands thereof, tennents, tennendries, and service of free tennents. Of all and whole the saids Lands and Baronie of *Segie*, with all and sundry parts, pendicles and pertinents, annexes and connexes, of all and sundry the saids lands and others *respective* above-written. Which Lands, Baronies, and others *respective* above-specified, are ordained by His *Majestie* and Estates, to be disponed heretably to His Highnes familiar and domestick Servitor, Sir *Thomas Erskine* of *Gogar* Knight, for great, sure and reasonable causes of the Realm. And are declared no wayes to be comprehended under this present annexation, nor no clause nor condition thereof. As likewise excepting and reserving forth and from the said annexation, all and whole the lands and teinds of *Cowsland*, with all and sundry their pertinents: which lands and teinds, with their whole pertinents, are likewise ordained by His *Majestie* and Estates, to be disponed heretably to His *Majesties*

faithfull and trusty Servitor Sir *Heugh Heries* Knight, for great, seen, profitable and necessar causes of the Realm, at length expressed in the said Sir *Heugh's* infeftment and security of the saids lands and teinds granted to him in this present Parliament which are holden as especially expressed herein. And siklike excepting and reserving forth of this present annexation, the yearly pension of twenty chalders victuall, thereof ten chalders ten bols Beer; nine chalders six bolls meall, to be yearly up-lifted and taken by the said Sir *Heugh Heries*, his heires & assignayes, forth of the best & readiest payment of the whol fruits, rents, mailes, ferms, kaynes, customs, and others duties whatsomever of the Lands and Lordship of *Scoon* and *Gowrie*, ay and while the infeftment of the Lands and Barony of *Cowsland* may take full effect, by possession in their persons, either by decease of Dame *Dorothie Stewart*, Countess of *Gowrie*, or by the eviction of the samin lands and Baronie of *Cowsland* from her by the law. And how soon the said Sir *Heugh Heries* or his foresaids, shall happen to recover and to enjoy all and whole the saids lands and Barronie of *Cowsland*, and teinds thereof; that then the said letter of pension to remain with His Highnes Crown for ever. As also, excepting and reserving forth and from this present annexation, all and whole the lands of *Nether-leiff*, teinds, few-farmes, arage, cariage, and all others duties and service whatsomever addebted to be payed forth of the samin of before, to the Earles of *Gowrie*, or to the Cómendators and Convent of *Scoon*, or either of them. As also all and whole the town and lands of *Durdy-Inglis*, *alias* called *Nether-Durdy*, teinds, few-farms, arage, cariage, and all others duties and service whatsomever addebted to be payed forth of the samin of before to the saids Earles of *Gowrie*, or to the saids Commendators and Convent of *Scoon*, or either of them. To the effect that His *Majesty* may give and dispone the saids lands of *Nether-leiff*, teinds, few-farms arage, cariage, and all others duties of the samin to *George Hay* of *Nether-leiff*, his heirs and assignayes whatsomever heretably, or otherwise, & the foresaid town and lands of *Durdy-Inglis*, *alias* called *Nether-Durdy*, teinds, few-farms, arage, cariage, and all others duties thereof, to Master *Peter Hay* of *Durdy*, his heires and assignayes whatsomever heretably or otherwise, in such form and manner as best shall please His Majesty.

Attour His *Majesty*, with advice foresaid, Declares and Ordains, that this present annexation of the Lordship and Abbacie of *Scoon* to the Crown, shall no wise be hurtfull nor prejudiciall to the yearly pension of ten chalders victuall, granted or to be granted by His Highnes to Master *Patrick Galloway* forth thereof, during all the days of his lifetime, conform to his gift of pension, and special assignation thereof, made or to be made thereupon. Which his Highnes, with advice and consent foresaid, Ratifies and Approves in all Points, and Ordains, if need be, that the samin gift be at length insert in the Books of Parliament, for the said Master *Patrick* his better security, declaring that the said annexation shall not be effectual, but shall be suspended, enduring the lifetime of the said Master *Patrick*, in so far as concerns the saids teinds, disponed or to be disponed to him in manner foresaid allanerly. And siklike excepting and reserving forth of this present annexation of the Earldom and Living of *Gowrie*, to His Highnes Crown, all and whole the lands of *Craigtoun*, with the teinds thereof, and the teind shawes of the lands and town of *Gowkstoun*, *Rybnes*, *Segiden*, *Pitscindie*, neither *Kinfawnes*, over *Kinfawnes*, *Byn*, and *Tillibon*, with their pertinents lying within the Parochin of *Kinfawnes*, the teind fish of the fishing of *Craigtoun*, *Incherrisheiplat*, *Sobriknodap*, the *Cruike*, and all others teind-fishings pertaining to the Abbay of *Scoon*, from the wood of *Kinnowl* to *Incherry*: to the effect that our said Soveraign Lord may give and dispone the samin to *John Lindsay*, *alias Charteris*, eldest son and appearand heir to *Henry Lindsay alias Charteris*, Peer of *Kinfawnes*, his heirs and assignayes, to be holden of His Highnes, according to the condition and manner of holding, as the samin was holden of before, of the Earles of *Gowrie*, or Abbots of *Scoon*: and for the samin self-duty, which the saids lands and teinds was in use to pay to the Earles of *Gowrie* or Abbots of *Scoon*, before the making of this present Act.

CHAP.

CHAP. III.

Act in favours of the Vaſſals of the Earldom of Gowrie.

OUR Soveraign Lord, and whole Eſtates of this preſent Parliament, remembring the good and notable Act, made in His *Majeſties* Parliament, holden at *Striveling* in the moneth of *Auguſt*, the year of GOD 1571. years, in favors of His Highnes true and faithfull Subjects, for bruiking of their lands, heretages, annual-rents, life-rents, penſions or poſſeſſions whatſomever holden of any perſon, called and forefaulted in the ſaid Parliament, notwithſtanding the forefaulting of their Superiours thereof. And His Highnes now being willing and fully reſolved to renew the foreſaid Act, and to grant the benefit and favour therein contained, to all His faithfull and true Subjects, who or their Predeceſſours to whom they are heirs, at the leaſt appearand heirs, albeit as yet not entred, held lands, heretages, annual-rents, life-rents, milnes, woods, fiſhings, or other poſſeſſions whatſomever, of umquhile *John* ſometime Earl of *Gowrie*, or any of his predeceſſors. Therefore our ſaid Soveraign Lord, with advice of the ſaids Eſtates and whole body of this preſent Parliament, Statutes, Ordains and Declares, that all His Highnes faithfull and true Subjects, their heirs and ſucceſſours, being nowiſe culpable of the abominable and horrible crimes of Treaſon and Leeſe-*Majeſty*, attempted by the ſaid umquhile *John*, ſometime Earl of *Gowrie*, againſt His Grace, moſt noble Perſon, ſhall bruike and poſſeſs all their lands, heretages, woods, milnes, fiſhings, annual-rents, life-rents, tacks, rentals and poſſeſſions whatſomever, holden by them or their predeceſſors of the ſaid Umquhile *John*, ſometime Earl of *Gowrie*, or his predeceſſours, and hold the ſamin of our ſaid Soveraign Lord, His Highnes ſucceſſours and others, their next immediat ſuperiours, their heirs and ſucceſſours, conform to their infeftments, rights and ſecurities thereof in all points. Siklike and as freely in all reſpects, as if the proceſs and dome of forefaultrie had never been led, deduced nor pronounced againſt the ſaid *John*, ſometime Earl of *Gowrie*, in this preſent Parliament. And as notwithſtanding the Act made in His Highnes Parliament holden at Edinburgh the eight day of *June*, the year of GOD 1594. years, annulling the Acts of Parliament made in favours of Vaſſals of perſons forefaulted. To the which Act, and all other Acts, ſtatutes, or conſtitutions made at any time of before, and made or to be made, in this preſent Parliament, thir preſents makes and ſhall make full derogation: and that allanerly in favours of the ſaids perſons, who, or their predeceſſours held lands, heretages, and others foreſaids of the ſaid umquhile *John*, ſometimes Earl of *Gowrie*, or his predeceſſours, as ſaid is; The foreſaids vaſſals, and every one of them paying to His *Majeſty*, and His ſucceſſours, or any others their next immediat ſuperiours, for ilk twenty ſhilling land, which they held of before of the ſaid Earl of *Gowrie*, ten pounds money of this Realm betwixt and Whitſundy next to come, for compoſition.

CHAP. IV.

Anent invading and purſuing of Counſellors,

OUR Soveraign Lord, and Eſtates of this preſent Parliament, underſtanding that diverſe of the Lords of His Highnes Secret Councel and Seſſion, and others of His Highnes Officers, for the diſcharge of their bounden dutie in His Highnes ſervice, incurres the hatred, indignation, malice and feed of ſundry perſons, who often-times quarrels them without any juſt cauſe. Therefore, Statutes and Ordains, that whatſomever perſon in time coming, invades or purſues any of His Highnes Seſſion, Secret Councel, or any His Highnes Officers, it being verified and tryed, that any of the ſaids Counſellors, Seſſioners and Officers, was purſued and invaded for doing of his Highnes ſervice, ſhall be puniſhed to the death.

CHAP. V.

Anent purprision in the Kings Commonties.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering that His Highnes, and His Highnes Predeceſſours, for the help and relief of His poor Commons, in diverſe parts of this Realm, have reſerved great quantity of Moores, and others common lands, nowiſe diſponed in property to any particular perſon. Notwithſtanding whereof diverſe perſons, have riven out, parked, tilled, ſown, and laboured great portions of the ſamin commonties, without any right of property competent to them, to the prejudice of His Highnes, and utter wrack of the poor tennents and commons of this Realm. Therefore, Statures and Ordains that all perſons, who have tilled, laboured, ſown, parked, incloſed, or appropriat any part or portion of His *Majeſties* common Moores, or others commonties, belonging to His Highneſs, within the memory of man; the ſamin being tryed, either by way of moleſtation, or by the Lords of the Seſſion, that they within year and day, after the ſaid tryall, lay in the ſamin Commonties again: to the effect the ſamin may remain unlaboured or parked in any time thereafter; but to remain as Commontie, ſiklike and in the ſamin manner as it was before the riving out or parking thereof. And if they fail to do the ſamin, within the ſpace foreſaid, lawfull tryall being taken therein, as ſaid is, they ſhall be decerned to have committed purpriſion. And ſiklike, our ſaid Soveraign Lord, and Eſtates foreſaids, Statutes and Ordains, that whoſoever in time coming, ſhall till, labour, manure, ſow, park, incloſe, or appropriat any part or portion of His *Majeſties* common Moores, or others His Highnes Commonties, (the ſamin being ſufficiently tryed in manner foreſaid) ſhall be alſo decerned to have committed purpriſion, and puniſhed therefore conform to the laws, uſe and conſuetude of this Realm, obſerved of old in matters of purpriſion.

CHAP. VI.

Anent Bearers and Shooters with Hagbuts and Piſtolets.

OUR Soveraign Lord underſtanding that calling and purſuing of Bearers, Wearers and Shooters with Hagbuts and Piſtolets and others Ingynes of fire-work before His Juſtice and His Deputes, breeds ſuch trouble to parties and aſſiſours, and ſuch difficulty in the tryall, that often-times innocent perſons are thereby vexed, and ſuch as are guilty eſchews their due puniſhment, by declining the aſſiſours, that beſt knows the verity of the fact, and other ſuch ſubterfugies and delays of lawfull tryall. For remeed whereof, His Highnes with advice and conſent of His Eſtates of Parliament, Statutes and ordains, that the bearers and wearers of Hagbuts and Piſtolets, and other Ingines of fire-work, who hath neither committed ſlaughter, nor mutilation, nor other odious violence therewith, but onely born and worn them upon their perſons, or in their companies, contrair His Highnes Laws and Acts of Parliament, may be either purſued criminally before the Juſtice and his Deputes, according to the cuſtom heretofore obſerved, or before His Highnes, and the Lords of Secret Councel, and lawfull probation of witneſs, or oath of party, at the option of His Highnes Theſaurer or Advocat. Providing alwayes, that ſuch as ſhall be purſued before His Highnes, and Lords of the Secret Councel, and tryed by probation of witneſſes, guilty of any of the ſaids crimes, ſhall not incurr the corporal puniſhment preſcribed by the former Acts, be amputation of the right hand, but onely to be puniſhed by warding of their perſons, eſcheat of their goods moveable, or payment of ſuch a pecunial penalty and ſum of money, as His Highnes, and Lords of His Secret Councel ſhall decern; But prejudice any wayes

wayes of the execution of the former Acts of Parliament, againſt ſuch as ſhall be criminally purſued, convict and found guilty by a condigne aſſiſe before his Highnes Juſtice General, or his Deputes foreſaids, in caſe His *Majeſty* like rather that they be purſued criminally before the Juſtice, nor before the Secret Councell. And farther, His Highnes and Eſtates foreſaids, annuls and diſcharges all Licences given by His *Majeſty*, for bearing and wearing of Hagbuts, Piſtolets, and other Ingynes of fire-work. And Statutes and Ordains, that no licences ſhall be granted in time comming to no perſons for bearing and wearing of the ſame, except that the ſamin licences be granted by His Highnes, and Lords of Secret Councel ſitting in Councel; And when the ſamin licences are ſo granted, Ordains the ſamin licences to pay compoſition to His Highnes Theſaurer, and to paſſe His Regiſter, and to paſſe the Signet and whole Seals: and decernes and declares all licences not granted in Councel, and which ſhall not pay compoſition, and paſſe the Signet and whole Seals, as ſaid is, to be null and of none availl. And notwithſtanding thereof, the ſaids perſons to be accuſed, conform to this preſent Act, and Acts of Parliament made of before.

CHAP. VII.

Explanation of the Acts of Parliament anent Ocker and Uſurie.

OUR Soveraign Lord, with advice and conſent of the Eſtates, Ratifies and approves the Acts of Parliament made againſt uſurie and taking of unlawfull annual rent or profit for ſilver in all points, according to the tenour of the ſamin. And becauſe the obſcurity of the Act of His *Majeſties* fifteenth Parliament, titulat; *It is not leſome to take more annual rent or profit nor ten for the hundred*: Anent the manner of tryall and probation of the ſaid crime by oath of partie, and all other lawfull probation conjoyned therewith, competent of the law, hath bred ſuch difficulty in purſuit and deciſion of the ſaids cauſes, that juſtice thereby hath been greatly fruſtrate, and the contraveeners of the ſaid Act altogether unpunished.

Therefore His *Majeſty*, with advice and conſent foreſaid, Statutes and Ordains, that in all actions already intended, dependand, or hereafter to be intented againſt contraveeners of the ſaid Acts, Litiſcontestation being made therein, by admitting of the ſummons to probation, it ſhall be leſome to prove the ſaids ſummons and contraveening of the ſaids Acts, or any of them, anent the taking of unlawfull and exorbitant profite, for ſums of money, by writ or oath of party, Receiver of the ſaid unlawful profite, and by the witneſſes inſert in the ſaid ſecurity, made for the ſaid ſums, without receiving of the oath of the party, giver of the ſaids unlawful profits, for eſchewing of all occaſion of perjurie which might be ſuſpected to proceed thereupon.

CHAP. VIII.

Anent diſſolution of the Coal-heughs of the property and lands where demoliſhed Strengths and Caſtles were builded of old.

OUR Soveraign Lord, underſtanding that the ground and bounds where diverſe Caſtles, Strengths and Forts pertaining to His *Majeſties* moſt noble progenitours, were of old ſcituat, is now altogether moſt deforme and unprofitable to His *Majeſty*, the ſaids Caſtles and Forts being ſo demoliſhed, that there remains no kinde of building therein, either for ſtrength or dwelling to His *Majeſty*. As likewiſe, that His Highnes Coal-heughs within the bounds of His annexed property, being unhabile to be wrought, without advancement of great expences, are ſo neglected, that His *Majeſty* neither receives furniture of Coals to His Highnes houſe thereby, nor any other profite or commodity

modity of the ſamin. For remeed whereof, our ſaid Soveraign Lord, with advice and conſent of His Eſtates of Parliament, Statutes and Ordains, that it ſhall be leſome to His Highnes, to ſet all and ſundry the lands and bounds with the pertinents, whereupon any of the ſaids old demoliſhed and unhabitable Caſtles and Forths were ſituated, together with the Medows and Loches belonging thereto, and Coal-heughs being within the bounds of His annexed property, in few farme heritably: So that it be not in diminution of His Highnes Rental, Greſſum, or others duties, but in augmentation thereof. And to that effect, with conſent foreſaid, makes preſent diſſolution thereof. And that the Lands, Medows, Loches, Coal-heughs, and others ſet by His *Majeſty*, by vertue of this Act in manner foreſaid, ſhall ſtand perpetually, and after his deceaſe, the annexations made before to returne again to the own nature; So that his Succeſſors after his deceaſe, ſhall have no further power to annaly nor wodſet in few any of the ſaids Lands, Bounds, Loches, Medows, Coal-heughs, and others foreſaids, nor they had before the making of this preſent diſſolution. And His Highnes and Eſtates of Parliament, declares that the foreſaid diſſolution ſhall no wayes hurt nor prejudge *Alexander* Lord *Levingſtoun* his Right, which he hath to the Coal of *Bonitoun* beſide *Lithgow*, and to his Right that he hath to the Caſtle of *Blackneſſe*, with the greins and pretinents belonging thereto.

CHAP. IX.

Act anent Coynie and Bullion.

OUR Soveraign Lord, and Eſtates of Parliament, having at length ſeaſoned anent the ſtate of the Coynie, as the ſamin is preſently current within this Realme, declares that in this preſent Parliament, they will on no wayes alter the ſynnes nor prices of the Coynie, either of gold or ſilver, but that the ſamin have free paſſage and courſe hereafter as it preſently gives. And becauſe His *Majeſty* and Eſtates underſtands that there is great ſcarcitie of Coynie for the time within this Realme. Therefore, has given power and commiſſion to the Lords of His Highnes Secret Counſell, for order taking anent the home-bringing of Bullion for furniſhing of the Coynie-houſe, and diſcharging the tranſporting and away-taking of gold, ſilver and other forbidden gear, under the pain of puniſhing of their bodies and goods, according to the diſcretion of the ſaids Commiſſioners: Whereby the Countrey may be furniſhed with aboundance of Coynie of ſuch ſynnes and prices as the ſamin preſently gives, and hes paſſage within this Realme: And theſe preſents to be publiſhed to all our Soveraign Lords Leiges.

CHAP. X.

Act anent the ſalting and tranſporting of Herring.

THE Kings *Majeſty*, with the advice of the Eſtates of this preſent Parliament, Statutes and Ordains, that no perſon nor perſons, aſwell ſtrangers, as native-born ſubjects of this Realme, take upon hand to buy pack, peill, ſalt, barrel, or yet tranſport forth of this Realme, any Herring in ſmall or great quantity at any time before Michaelmaſſe yearly, but to ſuffer the ſamin to be brought to publick markets, and there ſold to all His Highnes Leiges, upon reaſonable prices, without attempting any thing in the contrair thereof, under the pain of confiſcation of the ſamin Herring, barrels, ſhips and veſſels, and of all the reſt of the moveable goods of the perſons, conttaveeners hereof in any point: The third part of the ſamin to the apprehender, and the reſt to His *Majeſties* uſe, to be intrometted with by His Highnes Comptroller, and ſuch as he ſhall give power and commiſſion for that effect. And Statutes and Ordains, that no Licences be granted hereafter for packing, peilling, ſalting, and tranſporting of

Herring

Herring before the time foresaid; except the samin Licences be granted with consent of the Councel sitting in the Councel. And after the granting of the saids Licences, Ordains the samin to passe the Signet and whole Seals, otherwise declares the samin Licences to be null and of none avail.

CHAP. XI.

Slaying of Salmond in forbidden time, to be a crime of theft in time coming.

OUR Soveraign Lord, and Estates of Parliament, Statutes and Ordains, that the slaying of Salmond in forbidden time, or of Kipper, Smolts, or such black fish at any time, shall be in all time coming, a crime of theft to the committer whatsoever in all time coming, and shall be punished as theft in every quality, according to the committers rank and estate. Exceptand alwayes forth of this present Act, the Salmond, Kipper, Smolts, and all other fishes slain or tane within the Rivers of *Annond* and *Tweed* allanerly.

CHAP. XII.

Anent singular Combats.

OUR Soveraign Lord, and Estates of this present Parliament, considering the great liberty that sundry persons takes in provoking of others to singular Combats, upon sudden and frivole quarrels, which hes ingendered great inconvenients within this Realm.

Therefore, Statutes and Ordains, that no person in time coming, without His Highnes Licence, fight any singular Combat, under the pain of death, and his moveable gear escheat to His Highnes use. And the provoker to be punished with a more ignominious death nor the defender, at the pleasure of His *Majesty.*

CHAP. XIII.

Anent Hornings.

OUR Soveraign Lord, and Estates of this present Parliament, considering the great expences and fasherie the Lieges of this Realme sustaines, by seeking of a Notar and four witnesses to the Registration of all Letters of Horning, Relaxations, Inhibitions, and Interdictions, in the Sheriffs Bailiffs, & Stewarts books within this Realme. And als sustains great delay by seeking of the Clerks who should Registrate the samin.

Therefore our Soveraign Lord, and Estates foresaids, discharges that part of the Act of Parliament, made in the Moneth of *December* 1597. years, anent the Registration of the samin Letters of Horning, Relaxations, Inhibitions and Interdictions, before a Notar and Witnesses. And decernes and declares the samin Letters which are or shall be registrate in the saids Sheriffs, Bailiffs, or Stewarts books by the Clerk thereof, or by the Clerk of Register and his Deputes, in the books of Councell, shall be valid and sufficient in the self, and shall make faith in judgement or out-with in all time coming.

CHAP. XIV.

The negligence of the Kings Officiars may be supplyed by their successours.

OUR Soveraign Lord, and Estates of Parliament, Statutes and Ordains, that the sleuth and negligence of any of His Highnes Officiars, in the persuing or defending of any of his actions or causes in any time bygone or to come, shall

ſhall no ways be prejudicial or hurtful to His Highnes, but that He and His Officiars, ſucceſſors in that office, may without any order of Reduction, and by way of exception or reply, uſe and propone all and ſundry exceptions, reſpyes and defences competent of the law, which were willingly or negligently omitted by their predeceſſors. And thereby ſupply whatſomever thing that hath been neglected or omitted by the ſaids predeceſſors. To the effect, that His Highnes and His Crown be no ways hurt nor prejudged by negligent Officiars, and the benefice of His Laws may be competent to him at all times when it ſhall pleaſe him and His Officiars to crave and uſe the ſame.

CHAP. XV.

The pain of forbidden and uncuſtomed Goods.

OUR Soveraign Lord, with conſent of the Eſtates of this preſent Parliament, Statutes and Ordains, that no perſon nor perſons, take upon hand in time coming, to tranſport forth of this Realme, or inbring within the ſamin any forbidden or uncuſtomed Goods, under the pain of tynſell of their moveable goods that ſhall happen to come in the contrair hereof. That is to ſay, the ſaids forbidden and uncuſtomed goods that ſhall happen to be taken and apprehended, to appertein as eſcheat to our Soveraign Lord, and to be intromitted with, and up-taken by His Highnes Comptroller, and compt thereof to be made by him in the Checker, and the remanent of the moveable goods and geare pertaining to the contraviners of this preſent Act, to be eſcheat for their contemption by our Soveraign Lords Theſaurer. For the which he ſhall be likewiſe obliged to make compt in all time coming. And diſcharges all licences already granted to that effect, and that no licence paſſe hereafter, except the ſamin be paſt in Councel, and paſſe the whole Seals, and pay compoſition to His Highnes. And Ordains letters to be direct hereupon as effeirs.

CHAP. XVI.

Ratification of the Acts made of before in favours of the Kirk.

OUR Soveraign Lord, with advice of the Eſtates of this preſent Parliament, Ratifies, approves and confirms the liberty of the true and holy Kirk and Religion, preſently profeſſed within this Realme, and eſtabliſhed by the Laws of the ſamin; and all Acts, Conſtitutions and Immunities made and granted to the ſamin, alwell in His Highnes minority, as ſince His perfect age. And Ordains the ſamin to be put to execution in all points, againſt all perſons whatſomever in all time coming.

CHAP. XVII.

Anent Non-Communicants.

OUR Soveraign Lord, with advice of the Eſtates of this preſent Parliament, Ratifies, approves and confirms the Act made in the Convention of the Eſtates at *Haly-rude-houſe* the day of October, the year of God 1598, anent Non-Communicants, whereof the tenour follows. Forasmuch as by diverſe and ſundry loveable Acts of Parliament, made by His Highnes, and His umwhyle Mother of good memory, ſince the Reformation of Religion, It is Statute and Ordained, that all His Highnes ſubjects ſhould embrace the Religion preſently profeſſed, aſwel by hearing of the Word, as participation of the Sacraments. Notwithſtanding whereof, ſundry perſons of the Realme abſtains from the receiving of the Communion and Lords Supper, pretending an excuſe

of

of rancour and malice that they have in their mindes, againſt ſome of their neighbours, bearing them at deadly fead: alledging ſo long as the ſamin rancour remains with them, and they no wayes reconciled with their ſaids neighbours, that they cannot worthily receive the ſaid Sacraments, and cannot juſtly be burdened by the Miniſtry to do the ſamine. Which pretended excuſe is nothing but a colour and cloake to cover their Papiſtrie, which is the only cauſe of their abſtaining to communicat. And in ſo far as by the Acts of general Aſſembly, it is found that deadly fead can be no lawfull cauſe why any Perſon ſhould debar himſelf from the Seals and Sacraments of his communion with Chriſt.

Therefore His Highnes with the advice of the Eſtates preſently conveened, hes Statute and Ordained, that all His Highnes ſubjects ſhall communicat once every year, and ſhall no wayes pretend any excuſe of deadly fead, rancour or malice to appear towards their neighbours. And when ever it ſhall happen any to abſtain or debar himſelf from the participation of the ſaid Sacrament, upon the pretence of the ſaid excuſe, or any other cauſe whatſomever, they being firſt lawfully required by their Paſtor or Presbytery to do the ſamin; that then they ſhall be aſtricted to pay the particular penalties underwritten, enjoyned to them, and that to His Highnes Theſaurer. That is to ſay, every Earl ſo oft as he ſhall contraveene the premiſſes, a thouſand pounds. Every Lord, a thouſand marks. Every Baron, five hundred pounds. Every free-halder, three hundred marks. Every Yeoman fourty pounds. And every Burgeſs according to the modification of the Kings *Majeſty* and Lords of Secret Councel. Which pains, the ſaids Eſtates hes ordained our Soveraign Lords Theſaurer, to execute with all extremity againſt the contraveeners hereof, and to intromet therewith to *His Highnes* uſe.

CHAP. XVIII.

Ratification of the Act anent Jeſuits, Prieſts, excommunicate and trafficking Papiſts.

OUR Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, Ratifies, approves and confirms the Act made in the ſecret Councel at Saint *Johnſtoun* the firſt day of April 1600. years, anent the Jeſuits, Seminarie Prieſts, excommunicat, and trafficking Papiſts, common enemies to all Chriſtian government, whereof the tenour follows. Forasmuch as by diverſe Acts and Proclamations, made and publiſhed heretofore, all Jeſuits, Seminary Prieſts, excommunicate and trafficking Papiſts, common enemies to all Chriſtian Government, are ſpecially commanded to depart and paſſe forth of this Realm, under certain pains mentioned in the ſamin Act. The not execution whereof hath produced ſuch a contempt and miſ-regard of the ſaicts Acts, the reſait and traffick of the ſaids Jeſuits and Seminary Prieſts, is very frequent in ſundry parts of this Realm, where-throw great numbers of ignorant and ſimple people are ſeduced by them, to declyne from the true and Chriſtian Religion, to the offence and diſpleaſure of God.

For remeed whereof, it is Statute and Ordained by *His Majeſty*, and Lords of *His Highnes* Secret Councel, that whatſomever Jeſuits, Seminary Prieſts, excommunicat and trafficking Papiſts, preſently being within this Realm, or that ſhall happen to be within the ſamin, ſhall immediatly after their delation to *His Majeſty*; be taken and apprehended by ordinar Magiſtrats of the bounds where they reſort, and committed to Ward, ay and while they be converted to the Religion, removed and put out of the Countrey, or elſe puniſhed according to the tenour of the ſaids Acts. So that alwayes the benefit of the Act of Parliament, granting to other Papiſts the ſpace of fourty days to ſatisfie the Kirk, or to remove off the Countrey, ſhall be no wyſe extended to them. And becauſe the reſet which they have found in diverſe parts of the Countrey, hath given them

the boldnes ſo avowedly to contemne His *Majeſty* and His Laws. That therefore ſuch perſons as ſhall be given up by the Presbyteries, or Seſſion of the Kirk, to be the reſetters and hurders of them, ſhall be charged under ſuch pecunial pains, as ſhall be modified by His *Majeſty*, and Lords of Secret Councel, not to reſet them hereafter with this addition, That His *Majeſty* and Eſtates of Parliament declares, that every Earl that ſhall happen to reſet any, ſhall pay a thouſand pounds. Every Lord, a thouſand marks. Every Baron, five hundreth pounds. Every Freehalder, three hundreth marks. Every Yeoman, fourty pounds. And every Burgeſſe according to the modification of the Kings *Majeſty*, and Lords of ſecret Councel, the paine alwayes not exceedand the ſumme of an hundreth pounds. Which pains the ſaids Eſtates hes ordained our Soveraign Lords Theſaurer to exact with all extremity againſt the contraveeners hereof, and to intromet therewith to His Highnes uſe.

CHAP. XIX.

Ratification of the Act anent ſtrong and idle Beggers.

OUR Soveraign Lord, with the advice of the Eſtates of this preſent Parliament, Ratifies and confirms the Act made by His Highnes and Eſtates conveened at *Perth* the firſt day of *April* laſt bypaſt, againſt ſtrong and idle Beggers, whereof the tenour follows. The Kings *Majeſty* and Lords of ſecret Councel, remembring how there hes been diverſe good and loveable Acts of Parliament, and ſecret Councel, made and publiſhed heretofore, for puniſhment of ſtrong and idle Beggers, and relief of the poor and impotent. And how the ſaids Acts hath received little or no effect, or execution, by the overſight and negligence of the perſons, who were nominate Juſtices and Commiſſioners, for putting of the ſaids Acts to full and due execution. And that there was not a ſpecial penalty appointed and enjoyned to them who ſhould be remiſſe and negligent therein; So that the ſtrong and idle Beggers, being for the moſt part theeves, bairds and counterfeit limmers, living moſt inſolently and ungodly, without Marriage, or Baptiſme of a great number of their children, are ſuffered to vaig and wander throughout the whole Countrey, and the poor and impotent perſons are neglected, and no care had, nor proviſion made for their entertainment and ſuſtentation. For remeed whereof, and ſupply of the ſaids Acts, and namely of the Act of Parliament made in the year of God 1597. Whereby the execution of the Acts of Parliament is committed to the particular Seſſion of the Kirk; It is ſtatute and ordained by the Kings *Majeſty*, with advice of the Lords of His ſecret Councel, that the ſaids Seſſions of the Kirk, where need is, ſhall be aſſiſted by one or two of the Presbyteries; and that they ſhall put the ſaids Acts to full and due execution, conform to the tenour thereof in all points, every one of them within their own bounds, under the pain of twenty pounds to be exacted off them, ſo oft as they ſhall be found to be remiſſe or negligent herein. And that theſe preſents ſhall begin to that effect, and have execution upon the firſt day of *June* next to come. And to the effect His *Majeſty* may be the better aſſured of the care and diligence of the ſaids Seſſions of the Kirk, in due execution of the ſaids Acts of Parliament, His *Majeſty* commands the whole Presbyteries of this Realm, to take diligent tryall of the obedience of the Seſſions hereanent, and to report their certificat and teſtimonial thereupon, to His *Majeſties* Miniſters, betwixt and the firſt day of *Auguſt* next to come; wherethrough His *Majeſty* may thereafter proceed againſt ſuch as ſhall be negligent, as accords. And that letters of publication be direct hereupon, as effeirs; wherethrough the ſaid Seſſions of the Kirk, nor no other pretend ignorance. And to command and charge the ſaids Seſſion of the Kirk to put the ſaids Acts of Parliament made againſt ſtrong and idle Beggars, whereof the execution is committed to them, by the ſaid Act of Parliament, made in the foreſaid year of God 1597. to due and full execution in all points, conform to the tenour thereof, betwixt

twixt and the ſaid firſt day of *June* next to come, under the ſaid pain of twenty pounds to be exacted of them, ſo oft as they ſhall be founden to be remiſs after the ſaid day. Certifying them that failies, that the ſaid pain ſhall be up-lifted of them with all rigour. And ſiklike to command and charge the ſaid Presbytries to take tryall of the faids Seſſions hereanent, and to report their teſtimonial thereupon betwixt and the firſt day of *Auguſt*, as ſaid is, As they will anſwer to His *Majeſty* upon their obedience, at their uttermoſt charge and perill.

CHAP. XX.

Anent the marriage of Adulterous perſons.

OUR Soveraign Lord, with advice of the Eſtates of this preſent Parliament, decerns all marriages to be contracted hereafter by any perſons divorced for their own crime and fact of adulterie, from their lawfull ſpouſes, with the perſons with whom they are declared by ſentence of the ordinar Judge to have committed the ſaid crime & fact of adultery, to be in all time coming null, and unlawfull in themſelves, and the ſucceſſion to be gotten by ſuch unlawfull conjunctions, to be unhabile to ſucceed as heires to their ſaids parents.

CHAP. XXI.

Regiſters of the Sheriff Clerks to be marked by the Clerk of Regiſter and his Deputes, and their Extracts to be marked by themſelves.

THat all and whatſomever Sheriff Clerks in all times hereafter, ſhall preſent their Regiſters to the Clerk of Regiſter, to be marked by him and his Deputes. And whatſomever Regiſtration to be ſubſcrived hereafter by them, upon whatſomever Letters, together with whatſomever Extracts ſhall be given forth thereof to any perſon ſhall contain in all time comming, the leaf wherein the ſamin is regiſtrat, and this order to begin from the firſt day of *March* next; within the which, they and every one of them, ſhall preſent their ſaids Regiſters to be ſo marked. And that none of them ſubſcrive the Regiſtration upon any Letter, or give forth any Extract ſubſcrived with their hand after the foreſaid day, unſpecifying the leaf wherein the ſamin is contained, within their Book, marked as ſaid is, under the pain of an hundreth marks, *toties quoties*. But prejudice alwayes of the hornings which the ſaids Clerks omiſſion, or neglect in this behalf, ſhall no wiſe make invalide.

CHAP. XXII.

Act anent removing and extinguiſhing of deadly feads.

OUR Soveraign Lord, and whole Eſtates of Parliament preſently conveened, for removing of the preſent Feads, that abound within this Realm: Finds it meet and expedient, that the parties be charged to compear before His Highnes and Secret Councel, at ſuch days as ſhall be thought expedient, to ſubmit to two or three friends on either ſide, or to ſubſcrive a ſubmiſſion, formed and ſent by His *Majeſty* to them to be ſubſcrived. Which friends by their acceptaion, ſhall be bound either to decern within the ſpace of thirty dayes, after they have accepted, or elſe to agree at their firſt meeting on an overſman who ſhall decern within that ſpace: Which if he cannot do, they ſhall within the foreſaid thirty dayes, report the ground and cauſe of their diſagreement to His *Majeſty*, and ſuch ſpecials of His Councell as His Highnes ſhall finde leaſt partiall and ſuſpect, (Whoſe *Majeſty*, by the advice of the Eſtates here preſent, is declared to be overſ-man in that matter,) And failying, that the friends arbitratours, either decern or report not

within the foreſaid ſpace after their acceptation, every one of them by the authority of this preſent Act, to incurr the pain of a thouſand pounds, to be imployed to His *Majeſties* uſe. And becauſe all Feads are one of thir three natures, namely, that there is either no ſlaughter upon neither ſide, or ſlaughter upon one ſide onely; elſe ſlaughter upon both ſides. The parties in the firſt may be commanded to agree, due ſatisfaction being offered, and performed at the ſight of friends, and overſ-man in manner foreſaid. Where there is ſlaughter upon both ſides, His *Majeſty* may by rigour and equality of juſtice, compell them to agree, due ſatisfaction to be made on either ſide, according to the quality of the offence, and perſons offended. Where the ſlaughter is only on the one ſide, the party grieved cannot refuſe in reaſon to ſubmit in manner foreſaid, all quarrell he can bear to any perſon innocent, juſtice being made patent to him againſt the guilty, ſpecially he being ordained by this preſent Act to purſue none other but the guilty, and that by the Law. And the party ſo purſued not to bear quarrell for it, but to defend in lawfull manner. And that all quarrels ſhall ceaſe againſt ſuch as ſhall be lawfully purſued in this form, either by their conviction, and execution by law, or otherwiſe by their cleanſing and agreement, that all perſons being of perfit age, and within the Countrey, and having entreſs to purſue any party for crimes capital, ſhall within fourty days after the publication of this preſent Act at the head Burgh of the Shire where the purſuer dwels; raiſe, and cauſe execute their letters in the ſaid matter. And inſiſt in the perſuite thereof, with certification to ſuch as failies, that their action ſhall periſh, expire and be extinct; and the ſaid purſuer ſhall be compelled to ſubmit his action in manner abovеſpecified. Reſerving alwayes to His *Majeſty* his action, as accords of the Law. Providing that if the ſaid purſuer ſatisfie the ordinance of this preſent Act, and be delayed either by a continuation of the dyet by warrand of the Prince, or by the dilator defences proponed by the pannell, for elyding of the fnall tryall of the purſute. In that caſe the preſcription nowiſe to run againſt the purſuer, having done his poſſible diligence in manner foreſaid. And becauſe the guiltines of crimes [illegible] not onely in the perſon of the actual committers thereof, but alſo in the authors, cauſers and movers of the ſamin to be committed, who are airt, part and guilty of the ſaid fact, whereof no publick knowledge, nor certain tryall is had; His *Majeſty* and Eſtates nowiſe willing that neither the authors nor actor of ſuch haynous crymes eſcape the due puniſhment, through obſcurity & lack of publick knowledge there of: Declares that the parties offended, doing their diligence, as ſaid is, againſt the actual and known committers of the ſaids crymes, and ſatisfying this Act anent their reconciliation with all others perſons, ſhall nowiſe be prejudged of their action, competent againſt ſuch perſons, of whoſe guiltines they ſhall hereafter get knowledge: Providing, that they ſhall bear no feud againſt the ſaids ſuſpect perſons, while firſt after ſufficient information obtained, they raiſe their letters for ſummonding the ſaids parties to underly the law, and either make them fugitive, or otherwiſe obtain the purſute decided. And further, that the preſcription of this preſent act ſhall nowiſe militat againſt any party, whoſe actions are already ſubmitted to a longer day nor is preſcrived in this act: Providing, that the party do his diligence in manner above-written, within fourty dayes after the expyring of the ſaid ſubmiſſion. And to the intent that juſtice be no occaſion to breed further trouble, every party ſhall come to the Town, accompanied allanerly with twenty four perſons, where both they and their company ſhall keep their lodging to the hour of cauſe. At the which, firſt the one, and then the other ſhal be brought out by the Town in Armes, accompanied from their lodging to the Bar, with the number preſcrived to their rank by act of Parliament. The Contraveener whereof, if he be purſuer, ſhall tyne his purſute in time coming: and if he be defender, he ſhall be denounced Rebel, as preſumed guilty, and refuſing lawfull tryall. And for ſtaying of all deadly feads in time coming, where there is no cauſe nor quarrell given as yet, it ſhall not be

awfull

lawfull to the purſuer to invade, purſue, bear feud or quarrell againſt any friend of the offender, innocent, and not accuſed and convict of the cryme, under the pain of tynſell of his action and purſute againſt the guilty, and be compelled to ſubmit with the offenders ſelf. Reſerving alwiſe to His *Majeſty* his action againſt him for the crime. Likeas the friends of the guilty perſon being convict and fugitive from the law, ſhall not bear quarrell for his purſute be law, neither maintain, ſupply nor reſet him, under the pains contained in the act againſt reſets of fugitives and rebels. And in caſe any of the friends of the guilty perſons reſet him in contempt of this preſent act, and others His Highnes Laws, the party grieved, aſſiſted with His Highnes Advocat, ſhall only purſue the Reſetter by order of Law without convocation of feud, grudge or quarrell to be born againſt him therefore otherwiſe; under the pain of tyntell of his ſaid lawfull action in all time coming. And to this order before ſpecified, to the whole Nobility and Eſtates here preſent, have given their approbation and conſent, and ſworn to conforme them thereto in all feads which ſhall fall out in time coming. And this preſent act nowiſe to nullitat in ſic caſe where the partie offender is denounced Rebell, or ſhall happen hereafter to be fugitive and put to the horne, for ſlaughter or other odious capitall crimes, during the time of their Rebellion. And to the intent theſe preſent articles may have the better effect, and be the more willingly embraced by His *Majeſties* whole Subjects, His Highnes of His proper motive and gracious inclination to juſtice, quietnes and well of His people, ſolemnly declared, and faithfully promitted in preſence of the ſaids Eſtates, that for ſlaughter and other odious crimes to be hereafter committed, His Highnes ſhall grant no reſpit, remiſſion, pardon, nor overſight at any time hereafter, albeit the parties tranſact and agree amongſt themſelves, till the inveterat and damnable cuſtoms of the ſaids hainous crimes be rooted out & altogether ſuppreſſed. Which articles above-written, in the whole heads and points of the ſamin, Our Soveraign Lord, and Eſtates foreſaids, preſently conveened, Ratifies, approves and confirms, and ordains the ſame to have the ſtrength, force and effect of a law in all time coming. And that letters of publication and executorials paſs hereupon, for the better obſervation hereof in this Preſent Parliament.

CHAP. XXIII.

Act againſt ſlaughter of Wilde-fowles.

FOraſmuch as by common conſuetude of all Countries, ſpeciall prohibition is made to all ſorts of perſons to ſlay Wilde-fowl, Hare or Veniſon, except ſuch as by their Revenues may bear the charges and burdens of Haulks, Hounds and Dogs, requiſit in ſuch paſtims. In reſpect the ſamin as well hath been created for the recreation of mankinde, as for their ſuſtentation. Likeas it is of truth, that by diverſe and ſundry acts of Parliament, others ſtatutes and Proclamations made heretofore, all ſlaying of the ſaid Wilde-fowl and beaſts by any indirect means, ſuch as hagbut, girn, net and fowler dog, is ſpecially forbidden, and diverſe penalties contained in the ſamin act. Yet nevertheleſs, ſuch hath been the ſlacknes of the execution of the ſamin, that diverſe and ſundry perſons having greater regard of their gain and commodity, which they purchaſe by the ſelling of the ſaid Wilde-fowl, to ſuch perſons who prefers their own inordinar appetit and gluttony, either to the obedience of the ſaids Laws, or to the recreation that may be had by the direct ſlaying of the ſamin: has uſed all the ſaids indirect means in ſlaying of the ſaids Wilde-fowls and beaſts, whereby this Countrey being ſo plentifully furniſhed of before, is become altogether ſcarce of ſuch wares. For remeed whereof, and that the continuing of the ſaid abuſe may not procure worſe inconvenients, ſeeing in time of peace in all time bygone, the ſaids paſtims of Hunting and Haulking were the onely means and inſtruments to keep the whole Lieges Bodies from

from not becoming altogether effeminate: Our Soveraign Lord and Eſtates of Parliament, finding that the diſcharging of the ſelling of the ſaids Wilde-fowl and Veniſon ſhall procure a remeed of the abuſe foreſaid; Have therefore diſcharged, likeas by theſe preſents they diſcharge any perſons whatſomever, within this Realm, in any wiſe to ſell or buy any Faſtan reid or Fallow Deer, Does, Raes, Hares, Partridges, Moore-fowles, Black-cocks, Aith-hens, Termigants, Wilde-Ducks, Teilles, Atteilles, Goldings, Mortyms, Schidderems, Skaildrake, Herron, Butter, or any ſuch kinde of Fowles, commonly uſed to be chaſed with Halks, under the pain of an hundred pounds to be incurred aſwell by the buyer as the ſeller. And in caſe of the inhability of any of the ſaids perſons to pay the ſaid ſum, that the apprehender of them ſhall cauſe them to be ſcourged through the Burgh or Town where they ſhall be apprehended: And alſo diſcharges any of the ſaids Lieges, in any wayes to ſlay any of the wild-fowl, or beaſts above-ſpecified, by gin, net, or hagbut, under the pain above-ſpecified to be incurred by them. For execution whereof, Our Soveraign Lord hath given and granted power and commiſſion to all Sheriffs, Stewarts, Bailies, aſwell of Regalities as Royalties, Proveſts and Bailies of Burroughs, and every Baron within his own Baronie, ſpeciall Juſtices to that effect; giving them full, free and plain power to up-lift or execute the paines above-ſpecified againſt the tranſgreſſours of theſe preſents; the one half of the ſaids pecunial paines to be intromettred with by them, to appertain to Our Soveraign Lord, and to be payed to His Highnes Theſaurer; and the other half to the delator and apprehender. And becauſe one of the greateſt occaſions of the ſcarcity of the ſaids Partridges and Moore-fowles, is by reaſon of the great ſlaughter of their Pouts and young ones, when as for youth neither are they habile to give paſtime, and for quantity can no wayes be a great refreſhment.

Therefore our Soveraign Lord hath diſcharged all His Highnes ſubjects whatſomever, in any wayes to ſlay or eat any of the ſaids Moore-pouts, or of any other kindes before the third day of *July*; or Partridge-pouts, before the eight day of *September*. Always, Our Soveraign Lord and Eſtates foreſaids, declares that this preſent Act ſhall no wayes comprehend Cunnings, Woodcock, Plevars, nor wilde-Gooſe, but the ſamin to be ſlain with nets, and others engines not forbidden by the Laws of this Realm, and to be coſt and ſold as lawfull merchandize, as of before.

CHAP. XXIV.

Anent the cuſtoming of Goods.

FOraſmuch as it is underſtood to the King's *Majeſty* and Eſtates of this preſent Parliament, that by diverſe Acts of Parliament, Laws and Conſtitutions heretofore obſerved, all manner of *Engliſh* Goods brought within this Realm, are, and have been ever ſubject, and in uſe of payment to His Highnes of a certain cuſtom and duety properly pertaining to His *Majeſty*, as a part of the Patrimony of His Crown. Likeas alſo other ſorts of Cloath, Silks, Stuffs, and Merchandize brought within this Realm from forraign Nations, are by Act of His *Majeſties* Nobility, Councel and Eſtates, of the date the thirteenth day of *May*, the year of GOD 1597. Ratified and approved in Parliament holden at *Edinburgh* in the moneth of *December*, the ſamin year, ſubject to the payment of a certain cuſtom to His Highnes. And the Merchants inbringers of the ſaid Goods, ought not to looſe, break bulk or diſpone thereupon, while the ſamin be firſt entred, then marked, and duely cuſtomed by the Cuſtomer appointed thereto. Notwithſtanding the cuſtom of the ſaids Goods, are very far over-ſeen, to the great hurt and diſcommodity of His *Majeſty*, in reſpect there is no ſeal appointed to be hanging to the ſaids Goods, according to the uſe and conſuetude obſerved in other Nations, whereby the Goods cuſtomed

cuſtomed, could no wayes be known by the uncuſtomed Goods. And ſo by their confuſion, the Merchants, owners, and inbringers of the ſaids Goods, immediatly after the arriving and comming of the ſaids Goods within this Realm, looſes, breaks, bulk, ſells and conceals the ſamin, and never offers nor preſents no part thereof to be cuſtomed, conform to the order, to the great prejudice of His Highnes; which being now conſidered by His Highnes, His ſaid Nobility, Councel and Eſtates, and they finding that by the want of the ſaid ſeal, His *Majeſty* is, and hath been greatly defrauded of His cuſtoms: Ordains therefore the whole Cuſtomers within this Realm, to cauſe make one print, ſeal, and ſtamp of ſeal containing two halfs for every Burgh and Sea-port within this Realm, where there are eſtabliſhed cuſtomers; the one half thereof containing JACOBUS REX, with His Highnes Armes and Crown; and the other half the name of the Burgh where the ſamin ſhall remain. Which ſeal and ſtamp ſhall be applyed to Lead, being ſo ſtricken and printed with the ſaid ſtamp, ſhall be hanging to every wob, piece, and ſteik of cloath, ſilk and ſtuff of whatſoever Nation that hereafter ſhall be brought within this Realm by ſea or land, before the ſamin be preſented to open markets, ſold or any wayes diſponed upon. And the one half of the ſaid ſeal to be keeped by the Cuſtomer, and the other half by the Clerk of the Coquet: The owners of the ſaid cloath, ſilks and ſtuffs paying the cuſtome thereof. And to the effect the cloath, ſilks, and ſtuffs preſently being within this Realm, may be known and decerned from that which hereafter ſhall be brought within the ſamin; It is alſo decerned and ordained, That the Cuſtomer of every Burgh and Sea-port, ſhall repair to the dwelling houſes and buiths within every one of the ſaids Burghs and Ports where they are particularly appointed Cuſtomers, and there receive the oaths of the owners, of ſuch pieces, ſteiks and wobs of cloath, ſilks and ſtuffs as are therein; whether the ſamin hath payed the cuſtome thereof, or not. And ſuch as hath not payed cuſtome, that the ſamin be then inſtantly payed, and the ſaid ſeal in token thereof hanging thereto, and to all others pieces, ſteiks and wobs which ſhall be apprehended within the ſaids buiths and houſes, whereof the cuſtome hath been payed of before, upon the expences alwayes of the ſaid Cuſtomers. And that the owners of the ſaid cloath and ſtuffs, require the Cuſtomers within every Burgh and Port particularly to repair to the ſaids buiths and houſes, to his effect, within fourteen dayes after the publication hereof: And further, to do and performe all other things which to every one of them is appointed to be done in manner foreſaid, under the pain of confiſcation of all the pieces, wobs and ſteiks of cloath and ſtuff that ſhall be apprehended thereafter wanting the ſaid ſeal. And that no manner of perſons, inbringers of the ſaids cloath, ſilk and ſtuff within this Realm in time comming, preſume nor take upon hand, to ſell nor diſpone upon the ſamin, nor no part thereof, unto the time the ſamin be preſented to the Cuſtomers within the Cuſtome-houſes, the cuſtome thereof payed, and the ſaid ſeal in token thereof, hanging to every particular piece of the ſamin, as ſaid is, under the pain of eſcheating of the ſamin. Certyfying them if they fayl, that all and whatſomever wobs, ſteiks and pieces which ſhall be apprehended wanting the ſaid ſeal, ſhall be confiſcat and intromitted with to His *Majeſties* uſe as eſcheat, with all rigour and extremity in example of others. And that letters of publication be direct hereupon, wherethrow none pretend ignorance of the ſamin.

CHAP. XXV.

All charges of Horning againſt perſons dwelling be-North the water of Dee to be direct upon fifteen dayes at the leaſt.

OUR Soveraign Lord, and Eſtates of Parliament, conſidering how that His *Majeſties* Subjects, inhabiting the North part of this Realm, are oft-times drawn in great inconvenients by ſundry charges direct againſt them, ſometime for finding

finding of Lawborrows, or compairing before His *Majeſty* and His Councel upon ſimple charges of ſix dayes, ſo that by the ſhortnes of time, and impoſſibility to them to ſatisfie the ſaids charges within ſix dayes, in reſpect of the far diſtance of the place of their reſidence from the Burgh of *Edinburgh*, they are oftimes put under the danger of Horning; whereas if they had convenient times granted to them, there would not be ſuch diſobedience of ſuch great numbers of His *Majeſties* ſubjects. For remeed whereof it is ſtatute and ordained, that no Letters of Horning ſhall be direct againſt any perſons dwelling be North the water of *Dee* upon a ſhorter ſpace nor fifteen dayes at any time hereafter. And the Horning to be uſed againſt any of the ſaids perſons upon a ſhorter ſpace nor fifteen dayes, ſhall be null and of none avail.

CHAP. XXVI.

Act againſt perſons who purſues others within a mile of the Kings Majeſties *reſidence.*

THe King's *Majeſty*, and Eſtates of Parliament, conſidering the manifold indignities from time to time done to His *Majeſty*, by a number of undutiful and unreverent ſubjects, who to the contempt and diſhonor of His *Majeſty*, make frequent tulyies, and ſeeks the commodity to revenge their particular quarrels within the Burgh of *Edinburgh* and *Cannongate*, and other places neer to the place of His Highnes reſidence, not ſparing ſometime at His *Majeſties* own back to uſe their privat revenge, to the hazard and perilling of His Highnes moſt Noble Perſon. Likeas divers perſons, under pretence of their own defence, repairs and reſorts within His *Majeſties* Palace, armed with Jacks, Secret or Corſlets, under their doublets or coats; wherethrow is to be feared, that certain evil diſpoſed perſons, under colour of ther own defence, may attempt ſome enterpriſe againſt His *Majeſty* or His Domeſticks.

For remeed whereof, and eſchewing of the inconvenients that hereupon may enſue; It is ſtatute and ordained, that whatſomever perſon, of what eſtate, quality or degree he be of, ſhall preſume to take upon hand at any time hereafter, to invade or purſue any of His *Majeſties* ſubjects, within any part of this Realm, within a myle to the place of His Highnes reſidence and remaining for the time; or who ſhall reſort and repair within His *Majeſties* Palaces, or any part of His reſidence, armed with Jacks, Secret or Corſlets under their coats, doublets, or otherwiſe; that the ſaids perſons makers of the ſaids tulyies and combats, after due tryal that they were the firſt onletters. As alſo, the ſaids perſons repairing armed within His *Majeſties* Houſes, as ſaid is, ſhall be taken, apprehended and warded for year and day, and further, ay and while they fyn, with His *Majeſty* for their liberty, according to His Highnes good pleaſure.

CHAP. XXVII.

Anent the Court place of the Sheriffdoms of the Meirnes.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, underſtanding the great prejudice ſuſtained by the Lieges of this Realm, where the Judgement ſeats of Sheriffs, and others Judges are not ſo commodious neither in building nor in ſituation, as the Sheriff, others Judges and their Deputes may conveniently ſit, nor the parties may reſort thereto. And ſpecially that the Sheriff of the *Meirnes*, alias *Kincardin*, and his Deputes, hath been in uſe theſe many years to ſit in *Kincardin*, where there is neither a Tolbuith, nor a houſe to parties to lodge into for their intertainment, nor yet is the place in the mids of the Shire, whereby the Leiges within the ſaid Sheriffdom are greatly damnified. For remeed whereof, it is ſtatute and ordained, that the Sheriff of the

the Sheriffdom of *Kincardin* and his Deputes, in all time-coming, ſhall ſit and hold their Courts at the *Stone-hyve*, as moſt meet and convenient to them, and to the whole Lieges within the Shire: and that precepts to be direct, ſhall be to warn all parties, within their jurisdiction, to compear, to purſue and defend in their Courts at the *Stone-hyve*, in all time hereafter.

CHAP. XXVIII.

Anent the keeping of Pledges.

FOraſmuch as in time bygone, the only mean for quieting of the Borders, was entering of Pledges, and the keeping of them in ſurety, that in caſe any enormity or wrong were committed by any of the gang or ſurname, for the which they were entred Pledges, then juſtice ſhould be execute againſt the ſaids Pledges with all rigour. And becauſe heretofore a great number of the Nobility and Barons being burdened for keeping in ſurety ſome of the ſaids Pledges hath made their excuſe of the danger and inconvenient that might occur to them, in caſe of the eſcape of any of the ſaids Pledges delivered to them in keeping; which being eaſie to be prevented by the more impriſonment of them: Our Soveraign Lord, and Eſtates of Parliament, finds that none of the Nobility and Barons, being burdened to receive any of the ſaids Pledges ſhall refuſe to accept them, upon excuſe of any inconvenient whatſomever that may enſue; but ſhall receive them, and keep and detain them, ay and whil the ſaids Pledges be ſuted to be delivered by them; and ſhall be anſwerable for them, that they ſhall no wayes eſcape, ilk Pledge under the pain of two thouſand pounds.

A Table of the particular Acts and others, past in the XVI. Parliament, holden at Edinburgh the fifteenth day of November 1600. years, not Imprinted.

1 The forfalture of umquhile John Earl of Gowrie, and umquhile Alexander Ruthven his brother.
2 Act anent the disherefing and inhability of the brother and posterity of the umquhile Earl of Gowrie.
3 Act abolishing the surname of Ruthven.
4 Protestation for the Queens Majesty.
5 Protestation for the Earl of Rothes.
6 Act in favors of Sir Thomas Erskin.
7 Another act in his favors.
8 Act in favors of Sir Heugh Hereis.
9 Act in favors of Sir John Ramsay, anent the lands of Eilbarns.
10 Act in favors of Sir Heugh Hereis, anent the lands of Cowsland.
11 Act in favors of James Lundie.
12 Anent the posterity of Francis sometime Earl of Bothwel.
13 Protestation of the Burroughs anent the Bullion.
14 Another protestation made by them.
15 Act anent provision for Armour.
16 Act anent making of Redres.
17 Act in favors of Sir Patrick Murray anent the Abbacie of Fern.
18 Act in favors of John Marques of Hammilton anent Arbroth.
19 Ratification of the Countes of Mar her infeftment.
20 Discharge given to her anent the Education of the Prince.
21 Act in favors of the Constable of Dundee, anent bearing of the Kings Banner.
22 Act in favors of the Lord Hoome, anent the thirds of Coldinghame.
23 Ratification to Master Peter Young.
24 Act in favors of the Laird of Bogie, and Master John Moncreif.
25 Act in favors of the Duke of Lennox.
26 Ratification of the erection of the Burgh of Greinlaw.
27 Act in favors of Patrick Lesly, anent the Abbacie of Lundores.
28 The decision of the Monkes portions of Arbroth, betwixt the Marques of Hammiltoun and the Laird of Auldbar, remitted to the next Parliament.
29 Ratification of the infeftment of the Lewes.
30 Act in favors of the Fewers of the Kings lands within Fyfe.
31 Ratification of the Bishop of Glasgows restitution,
32 Protestation of the Earles of Erroll and Marshell.
33 Act in favors of the Duke of Lennox, anent the assignation of the thirds of the Priorie of Saint Andrews.
34 Act anent Registration of Seasings in the Secretars Register.
35 Commission for ranking of the Noblemen in their places.
36 Commission anent the Wooll.

THE

THE

SEVENTEENTH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITTAIN, FRANCE, *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Perth* the eleventh day of July, the year of God 1604. years.

By the Potent Earl and Lord, J[illegible] Earl of Montroſe, Lord Grahame and Magdok, His *Majeſties* Commiſſioner; and the Eſtates of this Realm.

CHAP. I.

Commiſſion anent the Union of the two Kingdoms.

FOraſmuch as it hath pleaſed His moſt Excellent *Majeſty*, acknowledging the unſpeakable favour, wherewith the Divine providence of the moſt High hath bleſſed him, by the oft-wiſhed, but hardly expected conjunction of two ſo ancient and long diſcordent Kingdoms, moſt earneſtly to deſire an eſtabliſhed continuance of the ſamin, that as by lawfull ſucceſſion they are one in the Head; ſo in the body and every member thereof, they may be ſo inſeparably conjoyned, as all after-comming ages ſhould find the ſweetneſſe of the Peace, wealth and felicity, which by the perfite accompliſhment thereof, may continue to the worlds end. And His moſt Excellent *Majeſty*, although abſent in Perſon (from His moſt ancient and Native Kingdom) yet preſent by His Princely Power, fatherly care, and prudent commandments, daily directed to His moſt humble and obedient ſubjects of the Kingdom, having laid

before them the great [illegible] with their neighbour Countrey of *England*, now united by alleageance and loyall subjection in His *Majesties* most Royall Person, would bring to them and their posterity, and therewith out of His most loving and accustomed Princely regard, to their inestimable joy and comfort, vouchsafing to assure them of His sincere disposition and cleare meaning, no way by the foresaid Union to prejudge or hurt the Fundamental Laws, ancient Priviledges, Offices and Liberties of this Kingdom. Whereby not only the Princely authority of His most Royal discent hath been these many ages maintained, but also His Peoples security of their Lands and Livings, Rights, Liberties, Offices and Dignities preserved: which if they should be innovated, such confusion should ensue, as it could no more be a free Monarchie: and His *Majesties* gracious intention in establishing the foresaid Union, is only to alter and reforme such indifferent and temporal Statutes, particular Customs, or special Ordinances, whereby the bygone remembrance may be extinguished, and the future growth prevented of many particular debates and unhappy accidents, which might hereafter disturb that constant love and perfite amitie betwixt both Nations, so tenderly wished by His most Excellent *Majesty*, and such steadfast and afald grounds of uniforme society, surrogat in their place. That as the present age is ravished in admiration with a so fortunate beginning, so that the posteritie may rejoyce in the fruition of such an effectual Union of two so famous and ancient Kingdoms, miraculously accomplished in the Blood and Person of so rare a Monarch.

Therefore, and for the more accomplishing of the Work foresaid, the Estates Spiritual and Temporal of this present Parliament assembled, by vertue of His *Majesties* Commission, under the great Seal of *Scotland*, Declares, statutes and ordains, that the persons following, they are to say, *John* Earl of Montrose Lord Chancellour of *Scotland*, *Francis* Earl of Errol high Constable of *Scotland*, *George* Earl Marshel great Marshel of *Scotland*, *James* Earl of Glencarne, *Alexander* Earl of Linlithgow, *John* Archbishop of Glasgow, *David* Bishop of Rosse, *George* Bishop of Caithnes, *Walter* Pryor of Blantyre, *Patrick* Lord Glames, *Alexander* Lord Elphinstoun, *Alexander* Lord Ir[illegible] President of the Counsel of *Scotland*, [illegible] Lord Roxburgh, *James* Lord Abercorne, *James* Lord Balmirrinoch principal Secretar of *Scotland*, *David* Lord Scoone, Sir *James Scrymgeour* of Dudop Knight, Sir *John Cockburn* of Ormeston Knight, Sir *John Hoome* of Coldonknows Knight, Sir *David Carnagie* of Kinard Knight, Sir *Robert Melveill* elder of Murdocarnie Knight, Sir *Thomas Hammilton* of Binnie Knight, Sir *John Leirmonth* of Balcomie Knight, Sir *Alexander Straton* of Lawreston Knight, Sir *John Skene* of Currihil Knight, Master *John Sharp* of Howston Lawer, Master *Thomas Craig* Lawer, *Henry Neisbit*, *George Bruce*, *Alexander Rutherfurd*, Master *Alexander Wedderburne* Merchants: Or any twenty of them, shall by vertue of this present Act, have full Power, Commission, Liberty and Authority, to assemble and conveen themselves, after the ending of this present Session of this Parliament; and before the next Session thereof, at such time, and in such place as it shall please His *Majesty* to appoint, with certain selected Commissioners, nominat and authorized by the Parliament of *England*, according to the tenour of their Commission in that behalf, to confer, treat, and consult upon a perfite Union of the Realms of *Scotland* and *England*, and concerning such other matters, causes and things whatsomever, tending to His *Majesties* honour and contentation, and to the weal and tranquillity of both the Kingdoms, during His *Majesties* life (which the ever-living God long continue) and during His Royal Posterity in blessed tranquillity to the worlds end. As upon mature deliberation, the greatest part of the saids Commissioners, assembled, as is foresaid, with the Commissioners authorized by the Parliament of *England*, shall in their wisdoms think most expedient and necessar; not derogating anywyse any Fundamental Laws, ancient Priviledges, Offices, Rights, Dignities and Liberties of this Kingdom, as is before said: And

that

Commission in that behalf, set down their proceedings in three several writings, every one of them to be subscrived and sealed by them, to the end that one of them may be in all humility presented to His *Majesty*, the second to be presented to the consideration of the next Session of Parliament, for the Realm of *Scotland*; and the third to be offered to the consideration of the next Session of Parliament, for the Realm of *England*. That thereafter such order may be taken therein, as both the saids Parliaments shall think expedient for His *Majesties* satisfaction, and benefit of both the saids Kingdoms.

A Table of the particular Acts and others, past in the XVII. Parliament, holden at PERTH, the eleventh day of July 1604. years, not imprinted.

1 *Act in favour of the Liberties of the Kirk.*
2 *Forfaulture of* William Borthwick *of* Sowtray.
3 *Forfaulture of* Thomas Kennedie *Tutour of* Bargany.
4 *The Summonds of Treason against* Walter Moore *of* Cloncaird, *past fra hy the Advocat.*
5 *Commission to the Lords of Session to decide the action of Reduction of the forfaulture of* James Wood *apparand of* Bonytoun.
6 *Act anent the restitution of* James Douglas *of* Spott.
7 *Protestation made by the Earl of* [illegible].
8 *Act anent the restitution of Master* Thomas Cranstoun.
9 *Protestation made by the Earl of Angus anent his place of Priority; and of the Duke of Lennox and Marquis of Hamilton in the contrare.*
10 *Protestation made by the Lord of Roxburgh.*

THE

THE EIGHTEENTH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the grace of God, King of Great BRITTAIN, FRANCE *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Perth* the ninth day of July the year of God 1606. years.

By the Potent Earle and Lord, JOHN Earl of Montroſe, Lord Grahame and Magdok, His Majeſties Commiſſioner, with advice of the Eſtates of this Realm.

CHAP. I.

Act anent the King's Majeſties Royal Prerogative.

FOraſmuch as the Eſtates and whole body of this preſent Parliament, conſidering that with the lawful diſcent in the Perſon of our moſt gracious Soverain, of the righteous inheritance of the famous and renowned Kingdoms of *England*, *France* and *Ireland*, which very far ſurpaſſes the wealth, power and force of the dominions of any of His Progenitors, King's of *Scotland*, God hath alſo joyned a wonderful increaſe of care and burden. For diſcharge whereof he hath endued His *Majeſty* with ſo many extraordinary graces, and moſt rare and excellent vertues, as he is not only known by daily and manifeſt experiences, in matters of greateſt difficulty and conſequence, to the unſpeakable comfort of all His faithful ſubjects, to be capable of the happy government of His ſaids Kingdoms: But by His moſt

moſt ſingular judgement, fore-ſight and Princely wiſdom, worthy to poſſeſs and habile to govern far greater Dominions and numbers of People. And in reſpect thereof, the ſaids Eſtates plainly perceiving that by this His *Majeſties* exaltation, not only in preheminence and power, but alſo in all Royall qualities requiſite for the happy diſcharge thereof, GOD hes manifeſtly expreſſed his Heavenly will to be, that His *Majeſties* Imperial power, which GOD hath ſo graciouſly enlarged, ſhall not by them in any ſort be impared, prejudged or diminiſhed; but rather reverenced and augmented ſo far as poſſibly they can. Therefore the ſaids Eſtates, and whole body of this preſent Parliament, all in a voluntar, humble, faithfull and united heart, minde and conſent, truely acknowledges His *Majeſties* Soveraign Authority, Princely Power, Royall Prerogative, and Priviledge of His Crown over all Eſtates, perſons and cauſes whatſomever within His ſaid Kingdom. And His *Majeſty*, with expreſs advice, conſent and aſſent of the ſaids whole Eſtates, Ratifies, approves, and perpetually confirms the ſamin, as abſolutely, amply and freely in all reſpects and conſiderations, as ever His *Majeſty* or any of His Royall Progenitors Kings of *Scotland*, in any time by-gone poſſeſſed, uſed and exerciſed the ſamin. And likewiſe, with conſent foreſaid, caſſes, annulls, abrogats, retreats and reſcinds all and whatſomever things attempted, enacted, done or hereafter to be done or intended to the violation, hurt, derogation, impairing or prejudice of His Highnes Soveraign Authority, Royall Prerogative and Priviledge of His Crown, or any point and part thereof, in any time by-gone, or to come. And the ſaids whole Eſtates for them and their Succeſſors, faithfully promits, perpetually to acknowledge, obey, maintain, defend and advance the life, honour, ſafety, dignity, Soveraign Authority, and Prerogative Royall, of His Sacred *Majeſty*, His Heirs and Succeſſors, and Priviledge of His Highnes Crown, with their lives, lands and goods to the uttermoſt of their power, conſtantly and faithfully to withſtand all and whatſomever perſons, powers or eſtates, who ſhall preſume, preaſs or intend any wayes to impugne, prejudge, hurt or impair the ſamin: and never to come in the contrar thereof, directly or indirectly, in any time coming.

CHAP. II.

Act anent the reſtitution of the Eſtate of Biſhops.

OUR Soveraign Lord now in His abſence forth of His Kingdom of *Scotland*, earneſtly deſiring ſo to provide for the juſt and politique government of that Eſtate, as his faithfull Subjects thereof may perfitly know, that abſence breeds not in His Royall mind oblivion of their good, but that He is daily more and more carefull of ſuch things as may tend moſt to the honor, profit and perpetuall ſtability and quietneſs of the ſaid Kingdom; wherein underſtanding Religion and Juſtice to be ſo neceſſar fundaments and pillars, as by them the authority of the Princes, and quietnes of the people in all times by-paſt, hath chiefly been eſtabliſhed and maintained, while of late in His *Majeſties* young years and unſetled Eſtate, the ancient and fundamental Policy, conſiſting in the maintenance of the three Eſtates of Parliament, hath been greatly impaired, and almoſt ſubverted, ſpecially by the incident abroliſhing of the eſtate of Biſhops, by the Act of annexation of the Temporality of Benefices to the Crown, made in His Highnes Parliament, holden at *Edinburgh* in the moneth of *July*, the year of GOD 1587. years: Whereby albeit it was never meaned by His *Majeſty*, nor by His Eſtates, that the ſaid Eſtate of Biſhops, conſiſting of Benefices of cure, and being a neceſſar Eſtate of the Parliament, ſhould on nowiſe be ſuppreſſed; yet His *Majeſty* by experience of the ſubſequent time, hath clearly ſeen, that the diſmembring and abſtracting from them of their livings, hath brought them in ſuch contempt and poverty, that they are not able to furniſh neceſſars to their private family, much leſs to bear the charges of their wonted rank in Parliament and Generall Councels, and after the example of their Predeceſſours, to aſſiſt and ſupply their Prince with their Counſell and goods

goods in time of peace and war. The remeed whereof properly pertains to His *Majesty*, whom the whole Estates of their bounden duety, with moſt hearty and faithfull affection humbly and truly acknowledges to be Soveraign Monarch, abſolute Prince, Judge and Governour over all perſons, Eſtates and Cauſes both Spiritual and Temporal within His ſaid Realm.

Therefore His *Majeſty*, with expreſs advice and conſent of the ſaids whole Eſtates of Parliament, being carefull to repone, reſtore & re-integrat the ſaid Eſtate of Biſhops, to their ancient and accuſtomed honour, dignities, prerogatives, priviledges, livings, lands, teinds, rents, thirds and eſtate, as the ſamin was in the Reformed Kirk, moſt ample and free at any time before the Act of annexation foreſaid. By the tenour hereof, retreats, reſcinds, reduces, caſſes, abrogates and annuls the aforeſaid Act of annexation of the temporalitie of Benefices to the Crown, made in the year of GOD 1587. years, as ſaid is, in ſo far as the ſamin may in any wayes comprehend or be extended to the authority, dignity, prerogative, priviledges, towers, caſtles, fortalices, lands, Kirks, teinds, thirds or rents of the ſaids Biſhopricks, or any part thereof, with all others Acts of Parliament, made in prejudice of the ſaids Biſhops, in the premiſſes, or any of them, with all that hes followed or may follow thereupon, and all Acts of diſmembring of particular Kirks, or common Kirks of the ſaids Biſhopricks from the ſamin, or for ſeparating the thirds of the ſaids Biſhopricks from the body, title and two part of the ſamin. To the effect, the perſons preſently provided to the Biſhopricks of *Scotland*, or any of them, or that hereafter ſhall be provided to the ſamin, may freely, quietly and peaceably enjoy, bruike, and poſſeſs the honours, dignities, priviledges, and prerogatives, competent to them or their eſtate ſince the Reformation of Religion; and all Townes, Fortalices, Lands, Kirks, Teinds, Rents, Two-parts, Thirds, Patronages, and Rights whatſomever, belonging to the Biſhopricks or any of them, to uſe and exerciſe the ſamin, and freely diſpone upon the whole two-part and thirds, Temporality and Spiritualty of their ſaids Biſhopricks, and all the premiſſes belonging to the ſaids Biſhopricks, as the ſaids Acts of annexation, and remanent Acts, made in any wayes to their prejudice in the premiſſes, and every one of them, and all that followed thereupon, had never been made nor done. They lwayes entertaining the Miniſters, ſerving at the cure of the Kirks of their ſaids Biſhopricks, upon the readieſt of the ſaids thirds, according to the ordiar aſſignation made or reaſonably to be made thereanent.

Attour, becauſe His *Majeſties* intention is only to reſtore the Biſhopricks, which are Benefices of cure, and nowayes to alter any thing done in other Benefices, which are not of cure. And for the better ſatisfaction of His *Majeſties* Subjects and faithfull ſervants, whom His *Majeſty* in His Princely liberality, for diverſe good reſpects and cauſes moving Him, hath beneficed, rewarded and advanced with erections, fewes, patronages, teinds, and others infeftments, confirmations of lands, rents, teinds, patronages, and others Rights of Abbacies, Pryories and others Benefices, not being Biſhopricks.

And to the effect they be not prejudged, nor put in miſtruſt by this Act, of their ſaids ſecurities in the premiſſes His Highnes with advice of the whole Eſtates of Parliament, Ratifies and approves, and for Him and His ſucceſſors perpetually confirmes, the whole erections, infeftments, confirmations, patronages, tacks, and others ſecurities of Lands, teinds, patronages, rights and rents whatſomever, of the ſaids whole Benefices foreſaids, or any part thereof (not being Biſhopricks) given, diſponed or confirmed by His *Majeſty*, during the the time of the ſaid Parliament holden in the moneth of *July* 1587. years, or before, or ſenſyne, made agreeable to the Laws and Acts of the ſaid Parliament 1587. years, and others Laws and Acts made ſenſyne. And faithfully promits *in verbo Principis*, never to diſſent nor impugne the ſamin, directly nor indirectly, in any time coming. As alſo for the well and ſecurity of the tenants of the lands and teinds of the ſaids Biſhopricks, who ſince the Act of annexation

annexation haye deburſed diverſe ſummes of money to His Highnes Theſaurer, for making and confirming to them of their infeftments, tacks and ſecurities of the ſaids lands, teynds, and rents of the Biſhopricks poſſeſt by them. And to the effect the annulling of the ſaid Act of annexation, bereave them not altogether of the ſaids Lands, teynds, and rents of Biſhopricks, acquired by them upon their large charges and expences, according to the Law then ſtanding. And that upon the other part, the ſaids Biſhopricks be not altogether made unprofitable, by the unlawful Dilapidation of the rents thereof, and burtfull converſion of the victual, keynes, cuſtoms, and others commodities of the ſamin, for unequall and unworthy prices.

Therefore His *Majeſty*, with advice of His Eſtates foreſaids, Ordains the ſaids perſons poſſeſſors of the lands or teynds of Biſhopricks by vertue of Infeftments, Confirmations or Tacks of the ſamin granted or ſet ſince the ſaid Act of annexation, and conform to the ſamin, and Laws of the Realm, at the time of the making thereof, ſhall have the ſecurities, confirmations, tacks and rights of the ſaids lands and teyndes of the Biſhopricks foreſaids, renewed and granted to them in ſufficient, valide and perfite form by the Biſhops, poſſeſſors of the ſaids Benefices. The ſaids Fewers, Tackſmen and Tenants, paying to the ſaids Biſhops, for greſſum, entreſſe and compoſition, for renewing of their ſaids Fewes of all Lands and others belonging to the ſaids Biſhopricks; and als ratification of their ſaids Tacks of all teynds pertaining thereto. Of the which at the day and date thereof, there are ten years crops of the ſamin to run. The double of the yearly ſilver duetie, contained in their ſaids fewes and tacks, and the ſingle of the victual duetie, and of all others dueties expreſſed therein. And that by and attour the yearly duetie expreſſed in their ſaids fewes and tacks. The which duties, for greſſum, entreſſe and compoſition, the whole Eſtates of Parliament declairs, ſhall be payed by the ſaids Fewers, Tackſmen and Tenants, within year and day, after they be lawfully cited to that effect, and for that ſamin cauſe; or after the intimation of the ſamin be made to them, by the Biſhops in their own Courts. And in caſe of not thankful payment, of the double of the ſaid ſilver duetie, and of the ſingle of the ſaid victual, and others duties to be payed within year and day, after the ſaid citation and intimation, as ſaid is.

The ſaids Eſtates of Parliament, findes and declares, that the ſaids Fewers and Tackſmen ſhall be aſtricted to pay after the expyring of the ſaid year and day, thankful payment not being made within that ſpace of the foreſaids greſſums, entreſſe and compoſition, extending to the quantity above-written: the quadruple of the ſilver duetie, and the double of the ſaid victual, and others dueties foreſaids, to be payed to the ſaids Biſhops, by and attour the yearly dueties contained in the ſaids fewes and tacks, as is beforeſaid. And the ſaids Eſtates ordains and declairs, that if there be not ten years compleit to run of the ſaid tacks and teynds, pertaining to the Kirks of the ſaids Biſhopricks, after the day and date thereof; in that caſe the Tackſmen on no wayes ſhall be aſtricted to pay any greſſum, entreſſe or compoſition for the ſamin to the ſaids Biſhops, but they to be free thereof.

Attour, the ſaids Eſtates declairs, that the ſaid Act and Ordinance of Parliament, ſhall nowyſe be extended, comprehend nor prejudge any fewes of Biſhopricks, lawfully ſet and confirmed before the ſaid Act of annexation, which was in the ſaid Moneth of July 1587. years. Excepting and reſerving alwayes forth of this preſent Act, all diſpoſitions made of whatſomever Patronages of Kirks pertaining to the ſaids Biſhopricks, diſponed by lawfull Titulars, and the Kings *Majeſty*, and ratified in Parliament, in favours of whatſomever perſon or perſons, and none others. And findes and declares all diſpoſitions whatſomever, made of the foreſaids patronages of all Kirks pertaining to the Biſhopricks diſponed by the lawfull Titulars, and His *Majeſty*, and not confirmed in Parliament, to be of none avail, although the ſamin patronages be granted and diſponed by the Kings *Majeſty*, and Titulars thereof.

And likewiſe, excepting and reſerving all common Kirks, pertaining of old to the ſaids Biſhops, and their Chapter in commountie, which are diſponed by His *Majeſty*, to whatſomever perſon at any time preceeding this preſent Act. And the ſaids Eſtates declairs, that if there be any common Kirks pertaining to the ſaids Biſhopricks, and to their Chapters of old, that now pertains and fals to them by vertue of this preſent Act. That thereby the Miniſters, who are lawfully provided to the ſaids common Kirks by preſentation, collation, and admiſſion, and ſerving thereat, ſhall no wayes be prejudged during their lyfe-times; but that the ſaids proviſions ſhall be ſufficient right and warrand to the ſaids Miniſters, to bruike, joyce and poſſeſſe their common Kirks foreſaids, according as they are provided thereto, for all the dayes of their life-times. Notwithſtanding whatſomever clauſe contained in this preſent Act, or any other Act of Parliament, that might make any derogation to the ſaids proviſions. Excepting alwayes, and reſerving the Caſtell of *Saint Andrews*, Caſtel-yards of the ſamin, diſponed to *George* Earl of *Dumbar*, upon the reſignation of *George* Archbiſhop of *Saint Andrews*, diſſolved and diſmembred from the ſaid Archbiſhoprick, by our ſaid Soveraign Lord and Eſtates, with expreſſe conſent and aſſent of the ſaid Archbiſhop, perſonally compearand in Parliament. Whom to Our ſaid Soveraign Lord, in place and recompence of the ſaid Caſtel, hath given and diſponed the Proveſtrie of *Kirkhill*, Vicarage, and Arch-Deanrie of *Saint Andrews*, to remain with the ſaid Archbiſhop and his ſucceſſors, by and attour a yearly penſion of three hundred marks, given to the ſaid Archbiſhop, ſo that the ſaid Caſtel and Caſtel-yards, ſhall no wayes be comprehended in this preſent Act, nor yet ſhall be compted nor eſteemed in any time hereafter, any part or portion of the patrimony of the ſaid Archbiſhoprick, but ſhall remain with the ſaid *George* Earl of *Dumbar*, his heirs and ſucceſſors, as their proper heritage lawfully diſponed to them, and diſſolved from the ſaid Archbiſhoprick. And in like manner the ſaids Eſtates declares, that the foreſaid Act granted in favours of the ſaids Biſhops, ſhall not be extended nor be prejudicial to the infeftments, rights and titles made to Sir *Robert Melvil* of *Auchtocarnie* Knight, his heirs and ſucceſſors mentioned therein of the lands of *Monymail* and *Lethame*, with the Manour-place, yard and bigging of *Monymail*, and patronage of the Kirk of *Monymail*, pertaining of old to the Archbiſhoprick of *Saint Andrews*. And declairs the ſamin infeftment to ſtand in the own ſtrength, notwithſtanding this preſent Act. Providing alwayes, that the ſaid Sir *Robert Melvil* and his heirs, ſuſtain and entertain the Miniſters, ſerving at the ſaid Kirk, upon the fruits of the ſamin Kirk. And notwithſtanding this preſent Act and whole clauſes therein contained, Our ſaid Soveraign Lord, with advice foreſaid, having conſidered the Fewers of the Baronie of Glaſgow, to be many in number, and the povertie of the moſt part of them to be ſuch, as they are not habile to furniſh the ordinar charges for renewing their infeftments, have diſpenſed, and by this preſent Act diſpenſes anent the foreſaid clauſe of renewing of Fewes, with ſo many of the ſaids Fewers as have taken their Fewes, without diminution of the rental, and converſion of the victual, and other dueties of ſilver. And who ſhall obtaine a ratification from *John* now Archbiſhop of Glaſgow of the ſaids Fewes and rights, before the feaſt of Alhallowmeſſe next to come. And declairs the Fewes lawfully ſet, as ſaid is, to the ſaids perſons, valide and effectual, their heirs, ſucceſſors and aſſignayes, alwayes entring by the ſaid Archbiſhop, as their immediat ſuperior; and by his ſucceſſors to their ſaids lands, towns, and poſſeſſions, by Brieves raiſed out of the ſaid Archbiſhops Chancellarie, precepts of *clare conſtat*, reſignations and confirmations, as uſe is, and paying their few mailles, fermes, moulters, keynes, and others dueties, to the ſaid Archbiſhop and his ſucceſſors in all time hereafter; But prejudice to the Letters of gift, and penſion granted to the Duke of *Lennox*, Sir *George*, Sir *James*, and *Archibald Erſkeins* penſions, forth of the fruits of the ſaid Archbiſhoprick of Glaſgow, to be bruiked by the ſaid Lord Duke during his life-time allanerly.

CHAP.

CHAP. III.

Act anent the Dilapidation of Biſhopricks.

OUR Soveraign Lord and Eſtates of Parliament, having conſideration of the Act made in the tenth Parliament, holden by His Highnes in the year of GOD one thouſand five hundreth fourſcore five years, and in the eleventh Act of the ſaid Parliament, containing diverſe cautions and proviſions, tending to reſtrain beneficed perſons, from away putting of any part of their benefice, whereby the ſaids benefices may be left in worſe eſtate nor the ſamin was at their entry thereto; as the ſaid Act doth at more length contain. Have ratified and approven the ſaid Act in all the articles, heads and circumſtances thereof; declaring the ſamin to remain in full ſtrength, and to have the effect and force of a perpetuall law and ſtatute in Parliament in all time coming, with thir additions. They are to ſay, that it ſhall no wiſe be leſome to any perſon provided or to be provided to a Biſhoprick within this Realm; to diſpone or give in penſion any part of the patrimony of the ſaid Biſhoprick, which ſhall indure and laſt longer ſpace nor the giver of the ſaid penſion ſhall bruke the ſaid Biſhoprick. And if it ſhall happen the ſaids perſons provided to the ſaids Biſhopricks now, or in any time to come, to diſmember any part of their ſaids benefices or patrimonie thereof; Our Soveraign Lord, and Eſtates of Parliament, decerns and declares all ſuch facts and deeds to fall under the compaſs, perrell and danger of dilapidation of benefices, and to an expreſs ſpace and kind of dilapidation. And be reaſon it hath ever been found neceſſar in all times paſt, that the fewing of lands, ſetting of tacks, and doing of ſuch other lawfull deeds, by whatſomever Biſhop and Prelate within this Realm, of any part of the patrimony of their ſaids benefices, ſhould have the conſent of the moſt part of their Chapter, without whoſe conſent, had and obtained to the ſaids deeds in whole, or the moſt part thereof, [illegible] leſome to the ſaids Prelats to do any of the ſaids deeds. Therefore, the ſaids Eſtates, according to the written Laws made thereanent, and cuſtom perpetually obſerved in ſuch caſes of before; finds and declares, that no Biſhop within this Realm, may ſet in few, tack, or otherwiſe, nor do any other deed in the diſponing of any part of the patrimony of their ſaids Biſhopricks, without the advice, conſent and aſſent of their Chapters, or the greateſt number of them, duely procured and obtained thereto. In the purchaſing of whoſe conſent, it ſhal nowiſe be requiſit to have their ſaids chapters chapterly conveened (but the ſaids deeds being otherwiſe lawfully done, and ſubſcribed by the moſt part of the ſaid Chapter) the not meeting and conveening chapterly at the time of the making of the ſaids rights; and ſubſcribing thereof, ſhall furniſh no ground where-upon the ſaids facts and deeds may be quarrelled, or the ſaids rights and titles impugned or annulled, through the cauſe or occaſion foreſaid. Which Chapters decerns and declares, to remain now and in all time coming, according to the foundation of the ſaids Biſhopricks, and as hath been in times bygone, without any kind of alteration to be made therein. Excepting alwiſe, the Chapter of the Archbiſhoprick of *Saint Andrews*; the alteration whereof (which is made in manner under-written) neceſſarly proceeded in that the ſamin conſiſting of before the Priory of *Saint Andrews*, is ſuppreſſed by the new erection of the ſaid Priory, whereby the ſaid Chapter ceaſes. And therefore, the ſaids Eſtates have declared and declares that the ſaid Chapter of *Saint Andrews*, hereafter ſhall conſiſt of the number of the perſons following, *viz.* Of ſeven perſons of the Miniſtrie, dwelling and having their charge within his Diocie of *Saint Andrews*, to be elected and nominat by the ſaid Archbiſhop himſelf, to be perpetual convent, and Chapter of the ſaid Archbiſhopry in all time coming; and after the deceaſe or removing of any one

or moe of them, from their preſent places and function within the ſaid Diocie, the Intrant ſucceeding in that place and charge, to ſucceed alſo in the ſamin room of the chapter and convent. Reſerving alwayes to the ſaid Archbiſhop and his ſucceſſors their ancient priviledges, that the common ſeal of the ſaid chapter to be made of new by their own advice, ſhall ſerve for their conſents without their ſubſcriptions.

Further, the ſaids Eſtates finds and decerns, that the preſent common ſeal of the ſaid chapter, being appended to the evidents or rights whatſomever, already made and granted by the ſaid Archbiſhop, hath been and ſhall be in all time coming, a ſufficient and perfit conſent of the chapter, and als effectuall for ſecuring of the vaſſals and tennants, receivers of the ſaids rights, as the ſamin hath been in any times of before; and ſo to indure in force hereafter, for conſent of the ſaid chapter, ay and while the election of the ſaid new chapter, and making of the new common ſeal.

Attour, our ſaid Soveraign Lord, and Eſtates of Parliament, finds and declares, that it is and ſhall be leſome to the ſaids Archbiſhops, Biſhops, and their ſucceſſors, to ſet als many tacks of the fruits and duties pertaining to the ſaids benefices, either ſhort or long tacks, as they pleaſe; and for als many years as they ſhall think meet and convenient, which may ſubſiſt of the law. In doing whereof the ſaids Eſtates will make no reſtraint or limitation of any time to the ſaids Biſhops. And by reaſon that the duety of the ſaids tacks to be ſet by the perſons provided to the ſaids Biſhopricks, or to be applyed, and converted for ſatisfaction and entertaining the Miniſters ſerving the cure of the Kirks of the ſaids Biſhopricks, and for ſupply of a part of their ſtipends to be given to them. Therefore the Eſtates ordains the ſaids Biſhops to have a careful regard that the ſaid tacks be ſet for a competent duty, which may in ſome reaſonable proportion anſwering to that which is ſet in tack, be more meet to ſupply a part of the ſaids Miniſters ſtipends, which duties of the ſaids tacks, and als the ſtipends which ſhall he provided to the Miniſters, ſerving at the Kirks of every Biſhoprick, ſhall be in all time coming repute as a part of the rentall of the ſaids Biſhopricks: which ſhall nowiſe be hurt, vitiat or diminiſhed by the titular of the ſaid Biſhoprick in any time to come. And to the effect that the Miniſters of the ſaids Kirks may be the more certainly provided, and the rentall of the Biſhopricks may be made (which ſhall not be altered, as ſaid is) Ordains all Archbiſhops and Biſhops, who are already provided, or ſhall be provided in time to come, to make a ſufficient rentall of the patrimony of ilk Biſhoprick, and to give in the ſame to the Clerk of Regiſter and his deputes, to remain in his Regiſter, *ad futuram rei memoriam*, and that within the ſpace of a year, after the date of this preſent Act, under the pain of a thouſand Marks, to be payed by the perſon who ſhall failzie in giving of the ſaid rentall within the ſpace foreſaid, to our Soveraign Lords Collector generall. Of the which ſum, the ſaid Collector ſhall be holden to make count and reckoning to the auditors of His Highnes Chequer. Likeas it is provided, that it ſhall no wiſe be leſome to the ſaids Archbiſhops or Biſhops, to hurt or diminiſh any point or part of the ſaid rentall, to be given in by them, as ſaid is, which will conſiſt chiefly of the quantity of the victual and ſilver, which ſhall be provided to the ſaids Miniſters for their ſtipends for ſerving the cures of the Kirk of the ſaids Biſhopricks, as ſaid is, but the ſaid rental ſhal remain in the own integrity in all time coming. To the effect that the ſaids Miniſters & their ſucceſſors ſerving the Kirks of the ſaids Biſhopricks, as ſaid is, may be aſſured of certain locall ſtipends for the ſaid ſervice; nor to be ſubject to the many charges and alterations, whereby frequently they have been troubled in times preceeding. And laſt of all, becauſe that the rental to be given in of the ſaids Biſhopricks, will conſiſt and be made up, partly of the duties of the ſaids tacks to be ſet, as ſaid is, and that the certainty of the ſaids locall ſtipends ſtands in the up-giving of the ſaids rentals, which our ſaid Soveraign Lord and Eſtates ordains to be done with all goodly diligence within the time preſcrived thereto;

that

that the Ministers serving the Kirks be not frustrat or disappointed of due satisfaction and recompence for their travels taken in the service foresaid: And that they may be put in certainty thereof in time to come, wherein the evident well and profit of the Kirk doth appear, and manifest the self. And for that cause order is given and form prescrived for setting of tacks, as the preceeding Articles of this Act proports. Where-through whatsomever Acts and Constitutions made by any, either Civil or Ecclesiastick Judge, tending to the prohibition and restraint of setting of lawfull tacks by any beneficed person, ought to be annulled; seeing the saids Acts and Constitutions, which were made upon any preconveived fear of any laik or want of maintenance for entertainment of the Kirk, or upon any other ground, are now clearly satisfied, by the carefull regard which His *Majesty*, and Estates of this Parliament hath alwayes had, to the advancement of the Kirk, and to the certain provision of the Ministry thereof, with constant stipends. A work very necessar, and to be furthered and exped by the present Bishops, and to whose cares and travels, our said Soveraign Lord and Estates, have recommended and commits to give over in the certain provision of the Ministrie, serving at the Kirks of their Bishopricks, with competent and reasonable stipends, answerable and agreeable for their travels and sustentation. And therefore our Soveraign Lord, and Estates foresaid, Statutes, decerns and declares, all and whatsomever Acts, Laws, Statutes, Ordinances and Constitutions Ecclesiastical or Civil, which are already made in time bygone, or shall happen to be made in time to come, whereby any beneficed person within this Realm, are prohibit and discharged to set any tacks of teinds, (which tacks may subsist of the law, and which Acts and Ordinances may directly or indirectly seem to infringe and annull the saids tacks lawfully set, as said is, or to inflict any pain or punishment upon the setters thereof) to be altogether null and of none avail, and to have no strength, force nor effect now and in all time coming. sik like as if the samin had never been made; which all and others Acts, Ordinances and Constitutions to be made anent the premises, and which may tend to the like end in any time to come, our Soveraign Lord and Estates simpliciter discharges for now and ever.

CHAP. IIII.

Anent forefaulted persons, and their Restitution by way of Grace.

OUR Soveraign Lord perfitly understanding that the due punishment inflicted to traitors and rebels, and the rewards rightly distributed to faithfull and wel-deserving subjects, encourages the better sort in well doing, and is a terrour to the evil disposed to give with-gate to their inclination. In consideration thereof, with advice and consent of the Estates of His Highnes Parliament, Ratifies, approves and perpetually confirms the processes, sentences and dooms of forefaultors, led, deduced and pronounced against *Francis* sometime Earl of *Bothwell*, umquhile *John* sometime Earl of *Gowrie*, and umquhile Master *Alexander Ruthven* his brother their memory: together with the Acts made anent the inhability of the posterity of the saids traitors. And decerns, declares, statutes and ordains, that the gracious restitution to be given by His *Majesty*, or any of His successors, to any person or persons already forefaulted since His *Majesties* perfit age; or who in any time coming shall happen lawfully to be forefaulted by His *Majesty*, or any of his Successors, or to their heirs or their successors, shall nowise hurt or prejudge any of His Highnes subjects in the right and security obtained or to be obtained by them or any of them, of the lands, possessions, tacks, rights, goods or gear pertaining to the saids forfaulted persons rebels,

and

and fallen to our ſaid Soveraign Lord, or His ſucceſſors by their reſcition and forefaultor: but that the ſamin lands, poſſeſſions, tacks, rights, goods and gear whatſomever, fallen to His *Majeſty* in manner foreſaid, and lawfully diſponed by His Highnes, or hereafter to be diſponed by Him, or his ſucceſſors, to any of his or their lawful ſubjects, ſhal perpetually remain with, and appertain to the receivers of the ſecurity and diſpoſition thereof. Notwithſtanding theſaid gracious reſtitution, to be obtained by the ſaids forefaulted perſons or their heirs or ſucceſſors, which ſhall be no further extended, nor have no further force nor effect, but for the rehabilitation of their perſons allanerly; and nowiſe to be extended to the lands, poſſeſſions, tacks, rights, goods or gear pertaining to them before their forefaultor, and lawfully diſponed to any of his Highnes obedient ſubjects, at ſuch time as the undoubted right thereof ſtood in His Highnes perſon, fallen and becommen in His *Majeſties* hands, by vertue of the ſaid forefaultor. And becauſe the perſons forefaulted, their children and friends, in prejudice of His Highnes donators, and others His *Majeſties* obedient and duetifull ſubjects, abſtracts and abſents the evidents, tacks and ſecurities of the lands, rooms and poſſeſſions of the ſaids forefaulted perſons: It is therefore ſtatute and ordained, that notwithſtanding the abſtracting and abſenting by any perſons of the evidents, tacks and ſecurities of the lands and poſſeſſions which pertained to any forefaulted perſons, and whereof the rights being either diſponed or confirmed by His *Majeſty*, the ſaids diſpoſitions or confirmations are extant in His Highnes Regiſter, that the extract thereof forth of the Regiſter ſhall be als good, and ſufficient title and right to His *Majeſties* donators, and others His obedient and dutifull ſubjects, having right thereto, for bruiking and joyſing of the ſaids lands and poſſeſſions, as if the principall and originall evidents, tacks and ſecurities were yet extant. And that the ſaids evidents and ſecurities ſhall not be decerned to make no faith or to be improven, for not production of the originall and principall, the ſaids extracts or confirmations being produced by His *Majeſty*, or His donators or others foreſaids. And they being content to abide at the verity of the deed, and ryall not only of the truth of the confirmation, but alſo at the truth of the writ which is inſert in the confirmation, whereof the principall is abſtracted.

CHAP. V.

Act anent the rivers of Tweid and Annand.

OUR Soveraign Lord, and Eſtates of Parliament, underſtanding that in the Act made in His Highnes Parliament, in the year of GOD one thouſand ſix hundreth years, whereby the ſlaying of Salmond fiſh in forbidden time, or of Kipper, Smolts or Black fiſh, at any time was declared to be thift; and the committers thereof were ordained to be puniſhed for the ſamin as for thift. The Rivers of *Tweed* and *Annand* were then excepted, becauſe the ſaids Rivers at that time divided at many parts, the bounds of *Scotland* and *England* adjacent to them, whereby the forbearance upon the *Scots* part of the ſlaughter of Salmond, in forbidden time, and of Kipper, Smolts and Black fiſh, at all times would not have made Salmond any more to abound in theſe waters, if the like order had not been then obſerved upon the *Engliſh* ſide. Which impediment, through the infinite mercy of GOD, being now removed, by the moſt happy uniting of both the Kingdoms in an Empire, in the Royall Perſon of His moſt Excellent *Majeſty*, undoubted and righteous Monarch of the ſamin. Whereby the inhabitants of this whole Iſle, are equally ſubject to His ſacred Perſon and Laws; and the remeed of their harmes, and the redreſs of their abuſes, puniſhment of their tranſgreſſions, and eſtabliſhment of their univerſall well belongs to His charge.

Therefore

Therefore our Soveraign Lord and Eſtates of His Highnes Parliament, clearly underſtanding that the cauſe of the ſaid exception is now removed, Ratifies and approves the ſaid Act of Parliament, anent the forbidding the ſlaughter of Salmond, Kipper, Smolts and black Fiſh, in manner abovewritten, and pains of thift and death, decerned againſt the contraveeners thereof. And retreats perpetually and annuls and abrogates the ſaid exception of the ſaids waters of *Tweed* or *Annand*. And decernes and declares, that in all time coming, the contraveeners of the ſaid Act, or any part thereof, in the waters of *Tweed* or *Annand*, or any part of the ſamin, ſhall underly the pains foreſaids of thift and death, according to the quality, rank and eſtate of the committers thereof, and as if the firſt Act had been general, and the ſaid exception had never been contained therein.

CHAP. VI.

Anent the Cuſtomes between Scotland and England.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, ſtatutes and ordains that the Fermers of the Cuſtoms in *Scotland* do keep an original book of all the goods that are entred and ſhipped for *England*, the ſhips name, place and maſters name, and to what port the ſhip is bound, and to keep the entreſſe of every port by themſelves, And alſo another original book of the goods brought from *England*, the ſhips name, maſters name, of what port, and from what port the ſhip comes, to keep the entreſſe of every port by themſelves; and every half year the Fermers of *Scotland*, to ſend a true copie of the ſamin books to the Fermers of *England*; and the Fermers of *England* to do the like to the Fermers of *Scotland* and once yearly; likewiſe to ſend the one to the other, all the returns, which come from either Kingdom, for diſcharge of their bands, to examine if they be not ranſhed, which being examined, ſhall be returned back againe.

Sicklike, It is ſtatute and ordained, that the Coquet do paſſe in the names of the principal owners of the goods laiden in every ſhip, and not in poor mens names, ſcarcely known in *England*.

Item, that order may be taken that no gear nor merchandize be ſuffered to paſſe by land from *Scotland* into *England*, nor from *England* into *Scotland* by the waſte grounds and waſtes.

It is ſtatute and ordained, that goods carried by land from *Scotland* to *England*, or brought from *England* to *Scotland*, may paſſe only by the wayes of *Berwick* and *Carleil*, and by no other way, to prevent all fraud. And that all Merchants do bring a certificat from the Fermers deputes of *Edinburgh* to the Fermers deputes of *Berwick* and *Carleil*; and alſo the Fermers deputes of *Berwick* and *Carleil*, to give the like certificat for all goods paſſing theſe wayes, for *Edinburgh* or any other Citie or Town in *Scotland*, and to keep original books thereof, under the pain of warding of the perſons of them who ſhall contraveen this preſent Act, or any point thereof, and eſcheating and confiſcation of the whole goods, geare and merchandize, which any perſon or perſons ſhall tranſport betwixt *Scotland* and *England* otherwiſe nor is preſcrived in this preſent Act.

CHAP. VII.

Anent Gleibs in Paſturage and ſowmes graſſe.

OUR Soveraign Lord and Eſtates of this preſent Parliament, underſtanding that by Act of Parliament, anent the deſignation of Manſſes and Gleibs Miniſters: It is ordained, that there ſhall be foure aikers of land deſigned to ilk

ilk Miniſter for his Gleib next adjacent to the Kirk. And ſeeing that by the iniquity of time and diſorder of the Borders and Heiland of this Realm in time bygone; There are ſundry Kirks within the ſamin which hath no arrable land adjacent thereto, but only paſturage; ſo that by the foreſaid Act of Parliament, made anent the deſignation of foure aikers of land only for the Gleib of ilk Miniſter, and no farther. The Miniſters ſerving the cure at ſuch Kirks as hath no arrable lands adjacent thereto, but only paſturage, are greatly hurt and defrauded. For remeed whereof, It is ſtatute and ordained that in all time coming, there be deſigned to the Miniſter ſerving at the cure of ſuch Kirks where there is no arrable land adjacent thereto, foure ſowmes graſſe for ilk aiker of the ſaids foure aiker of Gleib land, extending in the whole to ſixteen ſowmes, for the ſaids four aikers, and that of the moſt commodious and beſt paſturage of any Kirk lands, lyand next adjacent and moſt neareſt to the ſaids Kirks. And ordains letters to be direct againſt the poſſeſſors thereof for removing therefrom, in the ſamin forme as is appointed by the foreſaid Act of Parliament made anent deſignation of Manſes and Gleibs of before.

CHAP. VIII.

Anent teinding of Cornes.

IT is ſtatute and ordained by our Soveraign Lord, and Eſtates in Parliament, that in time coming in all teinding of cornes, that the ſamin be teinded at three ſeverall times every year, if the owners of the cornes ſhall think it expedient: To wit, the croftin field corne at one time, the bear at another time, and the out-field corne at the third time. And declares that fifteen dayes after the compleit ſhearing of ilk ſort of cornes being out-run, that it ſhall be leſome to the owners at the ſaid fifteen dayes end, to make requiſition upon ſeven dayes to make them thankful teinding; and if the owners get not thankful teinding at the expiring of the ſaids ſeven dayes, the ſaids Eſtates declares, that it ſhall be lawfull to the owners of the ſaids cornes, to teind and ſtack the ſamin themſelves, conform to the Act of Parliament made of before, anent the teinding of corns in all points, and ſhall incurre no danger therethrough.

CHAP. IX.

Anent old decreits of ejection and ſpuylie in the Borders.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, being careful that the ſetled and peaceable eſtate, happily begun in theſe parts of this Countrie, which were the late Borders, foreanent *England*, may be ſo maintained, as all occaſions of diſturbances thereof may be providently foreſeen, and conveniently remeeded. And underſtanding, that nothing is more habile to bring diverſe of the inhabitants of the ſaid Borders to deſperate courſes and turbulent interpriſes, then the rigorous execution of old decreets, obtained againſt them or their predeceſſors, twenty years before His *Majeſties* happy ſucceſſion to His Crown of *England*, ſpecially where the ſaids decreets of their own nature, may bring the danger of the yearly violent profits upon the perſons againſt whom the ſaids decreets were obtained; and thereby ſummonding oftentimes their whole valiant, if they be put to extreme execution, will give the party occaſion of ſuch diſpare, as may induce them to attempt ſo dangerous remedies, as may diſturbe the general quietneſſe, to renew and begin hot and bloody feads amongſt parties. For remeed whereof, and to the effect ſuch old decreets of ejection or removing, as were obtained twenty years before His *Majeſties* coming to the Crown of *England*, and no execution ſought nor obtained thereupon, during the ſaid ſpace of twenty years preceeding His *Majeſties* obtaining

of

of the Crown of *England*, may not urge and drive them to diſpare and miſery, ſuch as have three years bygone contained themſelves in all dutifull obedience to His *Majeſties* authority and laws.

Therefore His *Majeſty* and Eſtates foreſaids, ſtatute and ordain, that all ſuch decreets of ejection and removing, and all effect and execution that any way may follow thereupon, ſhall ceaſe, and in all time coming be void. Except for obtaining of poſſeſſion, to the parties in whoſe favors the ſaids decreets were pronounced, of the lands contained; and payment to them of the ordinar profits, which the ſaids lands have payed, to the perſons againſt whom the ſaids decreets were given, of the years ſince His *Majeſties* going into *England* allanerly, & of no others years preceeding the ſamin. With ſpecial proviſion, that in caſe the perſons againſt whom the foreſaids decreets of removing or ejection were given ſhal happen hereafter to be lawfully denounced rebels, and put to the horn, for not obedience of the foreſaids decreets; they being firſt charged after the day and date hereof, by all the charges contained in the letters raiſed or to be raiſed upon the ſaids decreets to obey the ſamin. In that caſe, the ſaids Eſtates of Parliament, declares that the perſons obtainers of the foreſaids decreets, ſhall have ſufficient action againſt the perſons defenders, ſpecified in the ſaids decreets for the violent profits of the lands mentioned thereintill, continually ſince the obtaining of the foreſaids decreets, as accords of the Law, notwithſtanding this preſent Act.

CHAP: X.

Act anent directing Letters of Horning in Sheriffs, Stewarts and Bailies decreets.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, ordains for the greater furtherance and better execution of juſtice to all His *Majeſties* Leiges, and eſchewing of the ſuperfluous and unneceſſar charges, which they ſuſtain by poinding on decreets, obtained before Sheriffs, Stewarts and Bailies, aſwell of Royalty as Regality, that the like letters and execution of Horning be direct and granted by the Lords of Seſſion, upon all Acts, Decreets and ſentences of Sheriffs, Stewarts and Bailies aſwell of Royalty as Regality, as are granted and direct upon decreets, and ſentences of Proveſt and Bailies within Burgh; comform to the Act of Parliament made thereanent, and after the forme and tenor of the ſamin in all points.

CHAP. XI.

Act anent Coalyers and Salters.

OUR Soveraign Lord and Eſtates of this preſent Parliament, ſtatutes and ordains, that no perſon within this Realm hereafter ſhall hyre or conduce any Salters, Coalyers or Coal-bearers, without a ſufficient teſtimoniall from their Maſter whom they laſt ſerved, ſubſcrived with his hand, or at leaſt ſufficient atteſtation of a reaſonable cauſe of their removing made in preſence of a Bailie, or a Magiſtrate of the part where they came from. And in caſe any receive, fee, hyre, ſupply or entertain any of the ſaid Coalyers, Salters, or Coal-bearers, without a ſufficient teſtimoniall, as ſaid is; The Maſters whom from they came, challenging their ſervants within year and day, that the party whom from they are challenged, ſhall deliver them back again within twenty four hours, under the pain of an hundred pounds, to be payed to the perſons whom from they paſſed, and that for ilk perſon; and ilk time that they or any of them ſhall happen to be challenged, and not delivered, as ſaid is. And the ſaids Coalyers, Coal-bearers, and Salters to be eſteemed, repute and holden as theeves, and puniſhed in their bodies, *viz.* So many of them as ſhall receive fore-wages and fees. And the ſaids Eſtates of this preſent Parliament, gives power and commiſſion to all Maſters and owners of Coal-heughs and Pans, to apprehend all vagabonds and ſturdie Beggars to be put to labor.

CHAP. XII.

Act anent ſetting of Fewes by ſub-vaſſals of Ward lands.

OUR Soveraign Lord and Eſtates of Parliament, having conſideration of the Act and Statute, made by His Highnes Predeceſſor, King JAMES the ſecond of worthy memory, in the fourteenth Parliament, holden by His *Majeſty*, and 72. Chapter of the ſaid Parliament, anent the ſetting of Lands in Few-ferm, as the Act it ſelf at length contains. Under the pretext and colour whereof, diverſe perſons holding their lands of others Superiours, for ſervice of ward and relief, have ſet the Lands holden by them, as ſaid is, in Few-ferm, to others their ſub-vaſſals, for payment of a Few-ferm duty, whereby they do manifeſt prejudice to their ſaid Superiors, in altering of the ſaid firſt holding, expreſs repugnant to the meaning of the ſaid firſt Act. Whereas the ſaid holding can nowayes be altered by the vaſſals, without ſome direct deed done by their Superiors, tending to approve the ſaid diſpoſition, and which may alter the nature and condition of the ſaid firſt holding. For remeed whereof our Soveraign Lord & Eſtates of Parliament preſently conveened, have ſtatute and ordained, and by the tenour of this preſent, ſtatutes and ordains in all time coming, that it ſhall nowayes be leſome to the vaſſals of any Earl, Lord, Prelat, Baron, or any other Free-holder within this Realm, who holds their lands of their ſaid Superiors, by ſervice of Ward and relief, to ſet their ſaids lands which are holden by them, as ſaid is, to any other perſon in few, for payment of a Few-ferm dutie, in prejudice of their ſaids over-Lords, whom of they hold the ſaids lands, by ſervice of ward and relief, as ſaid is, without the ſpecial advice and conſent of their ſaids Superiors, had and obtained to the ſetting of the ſaids lands in Few-ferm, or purchaſing of the ſaids Superiors confirmation to the ſaid diſpoſition, if any ſhall happen to be made, as ſaid is. And in caſe any ſuch alienation ſhall happen to be made in any time to come, without conſent of the ſaids Superiors, or their confirmation obtained to the ſamin, Our ſaid Soveraign Lord and Eſtates of Parliament, finds, decerns and declares, all ſuch diſpoſitions to be null and of none avail, force nor effect, either by way of action or exception.

CHAP. XIII.

Anent laying of Lint in Lochs,

OUR Soveraign Lord, and Eſtates of Parliament, finding that the laying of Lint, in Lochs and Burns, is not only hurtfull to all fiſhes bred within the ſamin, and beſtial that drinks thereof, but alſo the whole waters of the ſaids Lochs and Burns, thereby being infected, is made altogether unprofitable for the uſe of man, and very noyſome to all the people dwelling there-about. Therefore ſtatutes and ordains, that no perſon nor perſons in time coming, lay in Lochs and running Burns, any green Lint, under the pain of fourty ſhillings, *toties quoties*, for ilk time they ſhall contraveen; and alſo confiſcation of the Lint to be applyed to the poor of the parochin, within the which the ſaids Lochs and Burns lyes. And by the tenour hereof, gives power to the Seſſion of the Kirk of ilk Parochin, to try, cognoſce, and put this preſent Act to execution, and to up-lift the unlawes, and confilcat and diſpone upon the ſaid Lint, to the well of the poor of the parochin, as ſaid is.

CHAP. XIV.

Act in favours of His Majesties *Vassals for payment of their blench dueties.*

OUR Soveraign Lord and Estates of this Present Parliament, remembring the great favour shown and born by His Highnes and His Predecessours, to the Noblemen, Barons, and others subjects of this Realm, and their predecessours, for their notable and memorable facts and services done to His *Majesty* and His Predecessors, in defence and welfare of the Realm, in making and granting to them of heritable infeftments of their Lands, Baronies, Lordships, Castels, Towres, Fortalices, Woods, Mylnes, Salmond, Fishings, Offices and others therein contained, holden of our said Soveraign Lord and His Predecessors, in free blench-ferme, for payment of certain blench-ferme dueties, expressed in their infeftment; not as any burden or yearly duety, but by way of acknowledging and recognoscence, if the samin dueties shall be required allanerly. And that notwithstanding thereof, within thir late and few years, the saids Noblemen, Barons, and others our Soveraign Lords Lieges and Subjects, who holds their Lands and others foresaids of our said Soveraign Lord in free blench, are yearly without any just cause burdened, urged and compelled by charges to make payment in His Hignes Chequer of certain summes of money, as for the prices and valour of the saids blench dueties; there being no such sums of money nor prices contained in their saids infeftments. For remeed whereof, Our Soveraign Lord, with advice of the saids Estates, findes, decerns and declairs, that the Noblemen, Barons, and others Lieges and Subjects, who holds their Lands and others foresaids of His *Majesty* in blench ferm, are only justly addebted in payment of the blench-duties, expressed and set down in their infeftments, if the samin be required allanerly. And that they ought no ways to be burdened, troubled or charged for summes of money, as prices for the saids blench-duties. And that notwithstanding whatsomever act or ordinance made by the Lords of His Highnes Chequer, or others Acts or ordinances whatsomever, of whatsomever years bygone or to come, the which this present Act shall make and makes full derogation. And therefore Sir *Thomas Hammiltoun* of *Monkland* Knight, Advocat to our Soveraign Lord, in presence of the saids Estates, protested in His Highnes Name, that the blench-duties and species thereof contained in the foresaids infeftments, be conforme to the Kings *Majesty* and His Successors Estate and dignity. And thereupon the said Lord Advocat asked instruments.

CHAP. XV.

Act anent Seasings to be given on the precepts of the Chancellarie.

OUR Soveraign Lord and Estates of this present Parliament, Ratifies and approves the act made of before by King JAMES the fifth of good memory, whereby it was statute and ordained, that all Seasings given by vertue of any precepts direct forth of the Chancellarie, should be given by the Sheriffs of the Shires, Baillie or Stewarts where the lands lyes, their Deputs and Clerk, as in the said act of the date the tenth day of *December*, the year of God 1540. years at more lenth is contained, in all and sundry points, heads, articles, clauses and conditions of the samin, so far as the samin extends or may be extended to Seasings past upon precepts direct forth of the Chancellarie upon Retours allanerly. And the saids Estates of Parliament, decerns and declairs the samin act made by King JAMES the fifth of the date above-written, to have been only made for such Seasings as are given by vertue of precepts, that passes upon Retours, and to none others Seasings direct upon any other precept, direct forth of the Chancellarie.

CHAP. XVI.

Act in favours of the Burrows Regall.

OUR Soveraign Lord, and Eſtates of Parliament, Ratifies, approves and confirms all Acts of Parliament and Laws, with all Freedoms, Priviledges, Immunities and Liberties, granted to the Burghs Regall within this Realm by our Soveraign Lord, or any of His Highnes Predeceſſors at any time before. And decerns and declares the ſaids Burrows, and every one of them to have good right to bruik their ſaids priviledges and liberties, as they were wont to do before.

CHAP. XVII.

Act for ſtaying of unlawful Conventions within Burgh, and for aſſiſting of the Magiſtrats in execution of their Offices.

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ratifies and approves all and whatſomever Acts made heretofore by His *Majeſty*, and His Highnes Progenitours, and the Eſtates of the Realm, for ſtaying of all tumults and unlawful meetings and conventions within Burgh. And ordains the ſamin to have effect, and to be put to due execution againſt the contravenors in all points. With this addition, That no perſon nor perſons within Burgh, of whatſomever rank, qualitie or condition they be of, preſume nor take upon hand from this forth under whatſomever colour or pretext, to convocate or aſſemble themſelves together at any occaſion, except they make due intimation of the lawful cauſes of their meetings to the Proveſt and Baylies of that Burgh, and obtain their Licence thereto; and that nothing be done nor attempted by them in their ſaids meetings, which may tend to the derogation or violation of the Acts of Parliament, Lawes and conſtitutions made for the well and quietneſſe of the ſaids Burghs. Declaring by thir preſents, the ſaids unlawfull meetings, and the perſons preſent thereat to be factious and ſeditious, and all proceedings therein to be null and of none avail. And the ſaids perſons to be puniſhed in their bodies, goods and gear, with all rigour, conform to the Laws of this Realm.

And to the effect the ſaids unlawfull meetings with all others tumults, turbulances and pleyes that ſhall happen to fall out within the ſaids Burrows, may be ſubſtantiouſly ſuppreſſed, Ordains the whole inhabitants of the ſaids Burrows, at all occaſions to readily aſſiſt and concur with the Magiſtrats and Officers thereof, for ſettling of the ſaids tumults and turbulances, and puniſhing of the ſaids authors and movers thereof. And ſuch as ſhall not concur and aſſiſt with the ſaids Magiſtrats readily, or their Officers, for redding and ſettling of the ſaids tumults and turbulances, as ſaid is, ſhall be repute and holden as foſterers and maintainers of the ſaids tumults, and puniſhed therefore in their perſons, and unlawed in their goods at the arbitriment of the Magiſtrats and Councel of the ſaid Burgh; and ordains publication to be made hereof at the market Croſſes of the ſaids Burrows, that none pretend ignorance thereof.

CHAP. XVIII.

Diſſolution of Huntingtour *and* Strathbrane.

OUR Soveraign Lord and Eſtates of Parliament preſently convened, conſidering that the ſetting of the Lands of the annexed property in Fewferme, for payment of the old rental, with augmentation, is greatly to His *Majeſties* benefit and profit, His Highnes rental thereby being made ſure, unchangeable,

changeable, unalterable, and nowayes hable to be disponed and annalied; Hes therefore dissolved, and by the tenour of this present Act of Parliament, dissolves from the act of annexation of the lands of the Earldom of *Gowrie*, and Lordship of *Huntingtour*, alias *Ruthven*, the whole lands pertaining or belonging to the said Earldom of *Gowrie* and Lordship of *Ruthven*, and in special, the lands and Lordship of *Huntingtour*, and the lands of *Strathbrane*; and that to the effect that the samin whole lands (except such as are hereafter particularly enumerated) may be in Few-ferm letten and heritably disponed, for payment of the old duety, with augmentation of the rental. And that the said act be extended in ample forme with all clauses needful.

It is alwayes declared, that the lands under-written, they are to say, The lands of *Gowgask*, with the tein sheayes thereof, with mylnes, moulters, woods, fishings, parts, pendicles and pertinents of the samin, The lands of *Peill*, *Lethame*, *Easter-Heicham*, *Gudliburne*, hoill of *Huntingtour*, the lands of *Halieland*, Few and *Wester-Heicham*, with the pertinents of the samin, being all of the said Lordship of *Huntingtour*, shall be dissolved: To the effect the samin may be set in blench-ferme (for payment of a penny) to *John* Earl of *Montrose*, &c. And that for many great, reasonable, and seen causes, mentioned in a particular warrand made for dissolution of the saids lands.

CHAP. XIX.

Act of dissolution of the Lowmonds.

OUR Soveraign Lord and Estates of this present Parliament, conveened and holden within His *Majesties* Realm of *Scotland*; Understanding that it is necessar, that the whole lands lyand wast of His *Majesties* propertie, whereof His *Majesty* receives no yearly profit, be set in Few-ferme heritably, to such persons as will give most therefore, for the augmentation of His *Majesties* proper rent within this Realm; Hes with an advice and consent by their decreet in Parliament, dissolved, and by the tenour of this present act dissolves from His *Majesties* Crown and Patrimony of the samin, all and whole the hills of the *Lowmonds*, and Moors of *Falkland*, with the proper parts and pertinents thereof, annexed of before to His Highnes Crown and Patrimony thereof, now and in all time hereafter, to remain separate and dissolved from all former annexations thereof. To the effect the samin may be set in Few-ferme heritably, in whole or in part, to such person or persons as will give most therefore, in augmentation of His *Majesties* proper rent.

CHAP. XX.

Act anent Salvo jure cujuslibet.

FOrasmuch as in this present Session of Parliament, there are many Ratifications past, wherein divers and new clauses are insert, which may be prejudicial to parties rights, and derogative to many and divers laws, lawfully made and established of before. Albeit the meaning of the Estates be at this time as it was ever in all preceeding Parliaments, that by no act of Ratification any other party should be hurt or prejudged. For remeed whereof, it is statute and ordained, that no Ratification past in this Session of Parliament, shall be prejudicial to any private parties right, but that the saids Ratifications be alwayes understood whether the samin be generall or special, to be *Salvo jure cujuslibet*.

A Table

A Table of the particular Acts and others, past in the XVIII. Parliament, holden at PERTH, the ninth day of July 1606. years, not imprinted.

1 ANent the keeping of the Kings Houses.
2 Act anent the Taxation and collecting thereof.
3 Act anent the granting of the Taxation.
4 Ratification to the Earl of Dumbar of the Earldom of Dumbar, and other Lands.
5 An acquittance and discharge to the Earl of Dumbar of the Kings Jewels and Garderob.
6 Act anent the Chappel-Royal, and exceptions therefra.
7 Commission anent the erections.
8 Act in favours of the Tenants of Caiche.
9 Act in favours of the Archbishop of Saint Andrews, in satisfaction for Monymail.
10 Act anent the erection of the Kirk of Leith benorth the bridge in a Paroch Kirk.
11 Act anent the dismembring of certain towns from the Kirk of Ellem, and incorporating the samin to the Kirk of Slanes.
12 Erection of the Kirk of Preston.
13 Erection of the Kirk of Portincraig.
14 Act in favour of the Burgh of Edinburgh.
15 Act in favour of the Burgh of Perth.
16 Act in favour of the Burgh of [illegible]
17 Act in favour of the Burgh of Aberdeen.
18 Another in favour thereof.
19 Act in favour of the Burgh of Irwing.
20 Act in favour of the Burgh of Bamf.
21 Ratification of the Kirk Nether-Airlie to Sir Thomas Lyon of Auldbar Knight.
22 Act in favour of William Commendator of Tungland.
23 Act in favour of Master John Preston of Pennicuke, Collector general.
24 Act in favour of James Hay of Fingask.
25 Act in favour of Patrick Kinnard of that ilk.
26 Act in favour of Master Alexander Hay anent the lands of Dron, &c.
27 Act in favour of Marjorie Marjoribanks the Relict of John Durie Minister.
28 Ratification in favour of the Marquels of Hammilton, and Marquels of Huntlie of their dignities.
29 Ratification to the Earle of Angus and his son, of their infeftment.
30 Act in favour of the Earle of Caithnes.
31 Ratification in favour of the Lord Lyndesay.
32 Act in favour of Sir John Moncreif.
33 Ratification in favour of William Learmonth of the Hill.
34 Act in favour of the Bishop and town of Dunkeld.
35 Ratification of the School of Dunkeld.
36 Act in favour of the Captain and Keepers of the Castle of Dumbartane.
37 Act in favour of George and Master Peter Hayes.
38 Ratification of the young Laird of Calderwood of a tack of teinds.
39 Ratification to Bernard Lindesay of the Kings work in Leith.
40 Ratification to Sir Alexander Straton of Lowrenston of his pension.
41 Ratification in favour of the Laird of Balmaghie.
42 Act in favour of the Laird of Burlie.

43 *Act in favor of the Earl of* Ercoll *anent Blanks.*
44 *Act in favor of the Master of* Murray *of* Tullibardin.
45 *Ratification in favor of Sir* John Arnot *anent certain tuns of Wine.*
46 *Ratification to the said Sir* John *of his infeftment of the lands of* Orknay.
47 *Ratification to the Laird of* Monereif *of his pension.*
48 *Ratification of Master* John Drummond *of his office of Clerkship.*
49 *Certain and diverse Acts anent the erections.*
50 *Act in favors of Master* Archibald Moncreif *of his pension.*
51 *Forefaultur of* Graham *of* Reidkirk.
52 *Annexation of the personage of* Glasgow *to the Bishoprick thereof.*
53 *Ratification to the Bishop of* Galloway *of the Priorie of* Whithorne.
54 *Dissolution of* Elcho.
55 *Ratification of the Kirk of* Borthwick.
56 *Ratification to the Earl of* Linlithgow.
57 *Ratification of the Baronie of* Segie *to the Lord of* Scoon.
58 *Ratification to the Lord of* Abercorne.
59 *Ratification to the Lord of* Ochiltrie.
60 *Ratification to the Lord Chancellor.*
61 *Ratification to the Lord Secretar.*
62 *Ratification to the Lord* Roxburgh.
63 *Ratification to the Lairds of* Balvaird *and* Creich.
64 *Ratification to* James Maxwell *and* Robert Dowglas.
65 *Ratification of* Carnagie *of* Kynard.
66 *Ratification in favors of the Laird of* Balnagoune.
67 *Ratification in favors of the Laird of* Bargânie.
68 *Ratification to* George Bruce *of* Carnock.
69 *Ratification of the Lord of* Scoon *his pension.*
70 *Ratification of the Laird of* Killyth.
71 *Act anent the deserting of Sir* David Woods *summonds.*

THE

THE NINETEENTH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the Grace of God, King of Great BRITTAIN, FRANCE, *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Edinburgh*, the eleventh day of *Auguſt*, 1607.

By LODOVICK Duke of *Lennox*, &c. By vertue of His *Majeſties* Commiſſion granted to him under the great Seal of this Realm, at *Theobalds* the third day of *July*, 1607. with the advice of the Eſtates of this Realm.

CHAP. I.

Anent ſayers and wilfull hearers of Maſſes.

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ratifies, approves and confirms the two Acts of Parliament made by His Highnes, with conſent of the Eſtates of this Realm. The one thereof made in His Highnes twelfth Parliament 120. Act, againſt the ſayers of Maſſes, Jeſuites, Seminary Prieſts, trafficking Papiſts and reſetters of any of them. And the other Act made in His Highnes fourteenth Parliament in the 193 Act, againſt wilfull hearers of Maſs, in the whole heads, articles and clauſes thereof. And decerns and ordains the ſamin two Acts to have effect, and to be put to execution againſt the contraveeners thereof in all time coming; with this addition, that all wilfull reſetters of excommunicat Papiſts, and who are at the Horn for the ſamin cauſe, after

after that publication be made by the Minister, the time of the preaching or prayers at the Paroch Kirk, where the resetters of the saids Papists shall dwell for the time: Shall pay to our said Soveraign Lord, and to His Highnes Thesaurer, the penalties contained in the act of Parliament, made anent non-Communicants. That is to say, Every Earl as he shall contraveen the premisses, a thousand pounds. Every Lord, a thousand marks. Every Baron, five hundreth pounds. Every Free-halder, three hundreth marks. Every Yeoman, fourty pounds. And to every Burgesse according to the modification of the Kings *Majesty* and Lords of Secret Councel. Which pains, ordains our Soveraign Lords Thesaurer to intromit therewith, and exact the samin to His Highnes use.

CHAP. II.

Anent Weights and Measures.

OUR Soveraign Lord and Estates of this present Parliament, having consideration of the great hurt and skaith that His Highnes Lieges hes sustained, and daily sustains, by the great diversitie and disconformitie of the Weights, Metts and Measures within this Realm. Notwithstanding of divers and sundry acts of Parliament made in the contrair by His Highnes most worthy Progenitours, and by His *Majesties* self, in the Parliament holden at *Edinburgh* the 29. day of *July*, 1587. And that the negligence of the putting of the acts of Parliament to due execution, is greatest occasion thereof.

It is therefore statute and ordained, that all Sheriffs, Stewarts of Royalties and Regalities, Provest, Baylies, and Aldermen of Burrows, ilk one of them within their own bounds and jurisdiction, put the saids acts of Parliament anent Weights, Metts and Measures to due execution, betwixt the date hereof and the first day of *Januar* next to come, under all highest pain. Wherethrough that there may be an universal conformitie of Weights, Metts and Measures throughout the whole Realm. With power also to the foresaids Judges to take tryall of false Metts, Weights and Measures. And the users of the saids false Weights and Measurs to amit and tyne their whole goods and gear, and the samin to be intrometted with to Our Soveraign Lords use.

CHAP. III.

Anent destroyers of Parks, Woods, Plantings, Dowcats, Bees, Lochs and Stanks.

OUR Soveraign Lord and Estates of this present Parliament, considering how Woods, Parks, and all sorts of Planting and Haining decayes within this Realm; and how Dowcats are broken, Bees stollen, mens proper Lochs and Stanks herried, to the great hurt and prejudice of the Countrey, and decay of Policie. Therefore, Ratifies and approves all acts of Parliament made of before, for conservation of planting and policie: and against breakers of Dowcats, stealing of Bees, and of Fishes forth of mens Stanks and proper Lochs, in the whole points, articles and clauses thereof. And ordains the samin to be put to execution against the contraveeners thereof. And farther, the Estates foresaids statutes and ordains, that whosoever shall be found hereafter to break down his neighbours Woods, and Park-dyks, Fenses, Stanks or Closures, to pastour within the saids fenses, cut trees, broome, or sheare grasse within the samin, or yet breaks Dowcats, steals Bees and Fishes in proper stanks and lochs, shall be conveined and called therefore as a breaker of the Law either before the Privy Councell, or any other ordinar Magistrat within this Realm, at the option of the partie compleiner; and the penaltie to be imposed and taken of the contraveeners, before the saids ordinar inferior Judges, not to exceed the summe of 40. pounds money

of this Realm: And the Secret Councel to impoſe ſuch penalties againſt the contraveeners of this preſent act, as after tryal taken in the cauſe, they ſhall find the offence to merit and deſerve; But prejudice alwayes of putting of all former acts of Parliament made thereanent to execution, after the tenour thereof in all points; to the which this preſent act ſhall make no derogation.

CHAP. IV.

Anent Craftſmen.

OUR Soveraign Lord and Eſtates of this Parliament, Ratifies, approves and confirms the Act of Parliament made by King JAMES the fifth of worthy memory, Intituled, Act anent the conduction of Craftſmen, which is the hundreth and eleventh act, in the whole points, articles and clauſes thereof: And ordains the ſamin to have effect, and be put to execution in time coming after the tenour thereof. Notwithſtanding whatſomever act or ſtatute made in the contrar thereof ſenſyne.

CHAP. V.

Ratification in favours of the Burrows.

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ratifies, approves and confirms all and whatſomever acts of Parliament and Laws, made in favours of the free Burrows of this Realm, at any time of before; with all ancient liberties, priviledges and immunities granted to them by our ſaid Soveraign Lord, or by any of His Highnes Predeceſſours at any time bygone.

CHAP. VI.

Act againſt unfreemen.

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ratifies, approves and confirms all Acts, Laws, decreets and priviledges granted or given in favours of His Highnes free Royall Burrows: And conſidering the great hurt and skaith daily ſuſtained by the Burgeſſes inhabitants of His *Majeſties* Royall Burrows, who underlyes and bears all burdens impoſed upon the Eſtate of Burrows, in all His *Majeſties* ſervices, throw the continual entreſſe of unfree traffickers, dwelling in divers parts of this Realm, not being Burgeſſes of the ſaids Royall Burrows. And nevertheleſſe, keeps and holds open buiths, buyes and ſells merchandiſe, and otherwiſe uſes the liberties and priviledges of free Burgeſſes, as if they were Burgeſſes and actual reſidents within the ſaids Royall Burrows, in manifeſt defraud of our Soveraign Lords Cuſtomes, and to the prejudice of the liberties of the ſaids free Royall Burrows. And therefore, ſtatutes and ordains, that all unfree perſons not being actuall Burgeſſes of the ſaids free Royal Burrows, who bears not burden, and payes not taxt and ſtent to His *Majeſty*, ſhall deſiſt and ceaſe from uſing of any trade of merchandiſe, or of the liberties and priviledges foreſaids of the ſaids free Royall Burrows, under the pains contained in the acts of Parliament, made anent unfree traffickers of before. And that Letters of Horning be direct hereupon, charging whatſomever unfreemen, and uſurpers of the priviledge of the ſaids Borrows, to finde ſufficient caution for obedience of this act. And als that Letters of Horning be direct upon all acts and decreets of Burrows, given at their Conventions betwixt Burgh and Burgh, and Burgeſſes of free Burrows, upon a ſimple charge of ten dayes without calling of the partie.

CHAP. VII.

Anent the Stone-heven *within the Meirns.*

OUR Soveraign Lord and Eſtates of this preſent Parliament, ratifies and approves the act made of before in His Highnes Parliament holden at *Edinburgh* the 15. day of *November* 1600. years, whereof the tenour followes:

followes. Our Soveraign Lord and Eſtates of this preſent Parliament, underſtanding the great prejudice ſuſtained by the Lieges of this Realm, where the judgement-ſeats of Sheriffs and others Judges are not ſo commodious, neither in building nor ſcituation, as the Sheriff, others Judges and their Deputes may conveniently ſit, nor the parties may reſort thereto. And ſpecially that the Sheriff of the *Mearns*, alias, *Kincardin*, and his Deputes, have been in uſe thir many years to ſit at *Kincardin*, where there is neither a Tolbooth, nor any houſe to parties to lodge into for their entertainment; nor yet is the place in the midſt of the Shire, whereby the Lieges of the ſaid Sheriffdom are greatly damnified. For remeed whereof, It is ſtatute and ordained, that the Sheriff of the Sheriffdom of *Kincardin* in all time to come, ſhall ſit and hold their Courts at the *Stone-hyve*, as place moſt meet and convenient to them and to the whole Lieges within the ſaid Shire. And that all precepts to be direct, ſhall be to warn all the parties within their Juriſdiction, to compear to purſue and defend in their Courts at the ſaid Burgh of *Stone-hyve* in all time hereafter.

And further, His *Majeſty* and Eſtates foreſaids, decerns, ſtatutes and ordains the ſaid Burgh of *Stone-hyve*, and market croſs thereof, to be in all time coming the head Burgh of the ſaid Sheriffdom of *Kincardin*, and the market croſs thereof to be the place at the which all Citations, Charges, Denunciations of Hornings and others whatſomever Compryſings, by vertue of whatſomever Decreets, publications of Inhibitions, Interdictions, and of all other Charges and Executions whatſomever, which properly belongs and appertains to be done, uſed and execute at the market Croſſes of the head Burghs of any Sheriffdoms within this Realm, to be uſed and done within the ſaid Sheriffdom of the *Mearns*, alias, *Kincardin*, ſhall be uſed and execute there in all time-coming. And declares all Citations, Denunciations, Publications, Compryſings, and others Executions of the like nature, to be uſed at any other place within the ſaid Sheriffdom of the *Mearns*, nor at the ſaid market croſs of *Stone-hyve*, to be null and of none avail, force nor effect in all time coming.

CHAP. VIII.

Act anent the Chapter of Saint Andrews.

FOraſmuch as the Conventual Brethren and Channons of the Monaſterie of *Saint Andrews* were the ancient Chapter and councel of the Archbiſhop thereof, who now are decaying, and few of them being on lyve. Likeas the Priory and fruits thereof are to be erected in a Temporal Lordſhip, and neceſſar it is that the ſaid Archbiſhop ſhal have a conſtant chapter, according to the ancient policy of the Kirk, and fundamental Laws of this Kingdom. Therefore our Soveraign Lord, with the advice of the Eſtates of this preſent Parliament, gives, grants, and cõmits full power and commiſſion to *George* Archbiſhop of *Saint Andrews*, to elect and nominat ſeven qualified perſons of the Clergy at the leaſt, dwelling and having charge and adminiſtration within his Diocy, to be the perpetual Convent, Councell and Chapter of the ſaid Archbiſhoprick in all time coming; and after the deceaſe or removing of any one or moe of them from their preſent place, the intrand ſucceeding to the ſaid charge or place, to ſucceed alſo in that room of the Chapter or Convent, and yet nevertheleſs reſerves to the ſaid Archbiſhop and his Succeſſors their ancient priviledge; To wit, that the common ſeal of the ſaid Chapter to be made of new by their own advice, ſhall ſerve for their conſents without their ſubſcription. Attour, it is found and decerned, that the preſent common ſeal of the ſaid Chapter being appended to the Evidents and Rights already made and granted by the ſaid Archbiſhop, hath been and ſhall be in all time coming a ſufficient and perfect conſent of the Chapter, and als effectual for ſecuring of the vaſſals and tennents, receivers of the ſaids Rights, as the ſamin hath been in any time of before; and ſo to endure in force for conſent of the ſaid Chapter, ay and while the election of the ſaid Chapter, and making of the ſaid new common ſeal.

CHAP. X.

Act Salvo jure cujuslibet.

THe King's *Majesty* and Estates of this present Parliament, decerns and declares, that the ratification of any particular Rights, Infeftments, Tacks, Pensions, or others Writs and Evidents, granted to whatsomever persons in this present Parliament, shall nowise prejudge, hurt, nor derogate the particular Rights of other parties, notwithstanding they be not ratified nor confirmed at this time by His Highnes and His saids Estates.

A Table of the particular Acts and others, past in the XIX. Parliament, holden at *Edinburgh*, the eleventh day of *August*, 1607. not Imprinted.

1 *ACT of Ratification of the Queens Infeftment of* Dumfermling.
2 *Act anent the Union of the two Realms.*
3 *Act anent the Ministers Stipends, and the Kings Blenches in Erections.*
4 *Act anent the Chapter of* Saint Andrews.
5 *Act of the annexation of the Kirk of* Megle *to the Bishoprick of* Dunkeld.
6 *Act anent the Bridge of* Crawmond.
7 *Commission anent Grammer Schools.*
8 *Act in favours of the Earl of* Murray.
9 *Act in favours of the Earl of* Argyle *for* 20. *chal. forth of* Kintyre.
10 *Act anent the erection of* Kelso, *in favours of the Lord of* Roxburgh.
11 *Act in favour of the Earl of* Errol.
12 *Ratification in favour of the Lord* Salton.
13 *Ratification in favour of Sir* William Seyton *and his sons.*
14 *Ratification of the Lord Advocats infeftment of* Binning.
15 *Ratification of the Laird of* Ormeston *Justice Clerk of his infeftment.*
16 *Erection of* Bewlie *in favours of* James Hay.
17 *Ratification of the Laird of* Balvaird *and his infeftment.*
18 *Act in favour of* John Murray *of the Kirk of* Annand.
19 *Ratification of the Laird of* Balcarhouse *of his infeftment.*
20 *Ratification to the Constable of* Dundee *of his infeftment.*
21 *Act in favour of Master* James Durhame *of an high-gate.*
22 *Act in favour of Master* Alexander Craig *of his pension.*
23 *Act in favour of* John Straug *of his infeftment of* Kiltrinnie.
24 *Act in favour of* Thomas Person *of his infeftment in* Arbroth.
25 *Act in favour of the Laird of* Ruthven.
26 *Act in favour of the Earl of* Orknay.
27 *Act in favour of the University of* Saint Andrews.
28 *Act in favour of Master* George Young *and* James Primerose *of their pensions*
29 *Act in favour of* James Hammilton *servitor to the Advocat.*
30 *Act in favour of* Adam Cowper *of his infeftment of* Gogar.
31 *Act in favour of the Clerk of Register for Imprinting of the Laws of* Regiam Majestatem, *and others Laws.*
32 *Act in favour of the town of* Dumbartan.
33 *Act in favour of the town of* Crail *anent their market.*
34 *Ratification of the priviledge of the Lords of Counsel and Session.*

THE

THE

TVVENTIETH PARLIAMENT,

Of the moſt Excellent and Mighty King and Monarch,

JAMES

By the Grace of God, King of Great BRITTAIN, FRANCE, *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Edinburgh*, the twenty fourth day of *June*, 1609.

By a Potent Lord GEORGE Earl of *Marſchell*, Lord *Keith* and *Altrie*, &c. By vertue of His *Majeſties* Commiſſion granted to him under the great Seal of this Realm, with advice of the Eſtates of this Kingdom.

CHAP. I.

Act anent chooſing of Pedagogues to Children paſſing forth of Scotland *to Schools.*

FOraſmuch as our Soveraign Lord and Eſtates of this preſent Parliament, Conſidering that one of the great cauſes which hath procured the growth and increaſe of Papiſts within this Kingdom, hath proceeded from the ſmall care and regard that hath been had of the education and up-bringing of the youth, who being ſent forth of the Realm to places of contrary profeſſion, and not being firſt well grounded in Religion, and accompanied with Pedagogues ſcarce well affected to Religion, they do oft return back ſo poſſeſt with ſuperſtition and hereticall errors, as they may be juſtly ſuſpected for dangerous ſubjects in the Eſtate. For preventing of which growth and increaſe of defection from the true faith by the occaſion foreſaid, Our ſaid Soveraign Lord and Eſtates

Eſtates foreſaids, Ordains that all ſuch Noblemen and others who hereafter ſhall direct any Pedagogues with their ſons out of the countrey, ſhall be holden by vertue of this preſent Act, to have a ſufficient teſtimonial of the Biſhop of the Diocie where the ſaid Pedagogue for the moſt part lately before made his reſidence: Teſtifying and approving the ſaid Pedagogue ro be godly and of good Religion, learned and inſtructed in the ſame, And if any Noble-man or other ſhall happen to ſend any Pedagogue with their ſons out of the Countrey without the teſtimonial and approbation of the Biſhop in manner above-written: In that caſe our ſaid Soveraign Lord and Eſtates foreſaids, declares, ſtatutes and ordains, that every ſuch Noble-man, and others according to their ſeverall degrees and ranks ſhall incur the pains particularly under-written. *Viz.* Every Earl, five thouſand pounds. Every Lord, five thouſand marks. Every Baron, three thouſand markes; which ſums ſhall be intrometted with and uplifted of them by His *Majeſties* Theſaurer and his Deputes to His Highnes uſe. Providing in caſe it ſhall happen the Biſhop of that Diocie to refuſe to grant teſtimonial to the Pedagogue upon the premiſſes, the ſaid Biſhop thereafter being lawfully ſummoned to compear before the Lords of His Highnes Secret Councel to anſwer to that complaint, and ſhew not a reaſonable cauſe of that his refuſal. Then in that caſe, it ſhall be lawfull to the Lords of Secret Councel to give their teſtimonial to the foreſaid Pedagogue to the effect above-written.

CHAP. II.

Act againſt Children that becomes Papiſts when they are out of Scotland.

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ordains the Noblemen, Barons and others to have a ſpecial care, and to give order and direction that the remaining of their ſons forth of the Countrey ſhall be in places where Religion is profeſſed, or at the leaſt where there is no reſtraint of the ſame by the cruelty of Inquiſition: and that during the time of their abſence they ſhall not haunt any Idolatrous exerciſe of Religion. And that ſuch perſons as have not the moyen to entertain with their ſons a Pedagogue, ſhall ſend them to ſuch place where Religion is profeſſed. And in caſe their ſons after their departure out of the Country, ſhall haunt the exerciſes of contrary Religion, our ſaid Soveraign Lord and Eſtates foreſaids, ordains that their parents, or ſuch others as have the charge of them, ſhall be ſtraited or find caution, acted in the books of Secret Councel, under ſuch pains as ſhall be modified, that they ſhall not ſupply, entertain, nor furniſh them with any thing neceſſar or comfortable unto them after that it be known that their ſons are become Papiſts and haunts Idolatrie, contrary to the Religion preſently profeſſed within *Scotland*, except their reaſonable expences in recalling and bringing them to this Realm of *Scotland*.

CHAP. III.

Act anent Excommunicat perſons not to enjoy their lands, rooms and poſſeſſions.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering that whereas there are divers perſons who are excommunicat for not conforming themſelves to the true Religion preſently profeſſed, and do notwithſtanding ſtill enjoy the poſſeſſions of their lands, rents and livings, either directly in their own perſons, or covertly in the perſons of their friends and well-wilers to their uſe and behoof, to the couraging of them to perſiſt in their pernicious

pernicious and erroneous opinions, and to the fruſtrating of the execution of the acts and conſtitutions made againſt Excommunicats heretofore. Therefore our ſaid Soveraign Lord, and Eſtates foreſaids, declares, ſtatutes and ordains, that no perſons whatſoever, who are already, or hereafter ſhall happen to be excommunicat for not conforming themſelves to the Religion preſently profeſſed within this Kingdom, ſhall be ſuffered either directly in their own perſons, or covertly and indirectly by any others in their names, and to their behoof, injoy the poſſeſſions of their lands, rents and revenues; but that the ſame ſhall be medled with, intrometted with, and uplifted to His *Majeſties* uſe.

CHAP. IV.

Act giving command to Biſhops to ſend the names of excommunicat perſons to the Theſaurer, and to the Director of the Chancellarie.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering that to the effect every mans affection and diſpoſition in his Religion may be clearly and ſufficiently known: Therefore our ſaid Soveraign Lord, and Eſtates foreſaids, ſtatutes and ordains, that every Archbiſhop and Biſhop within the bounds of his own Diocie, ſhall once every year give up to the Theſaurer, Comptroller, Collector and their Deputes, and to the Director of our Soveraign Lords Chancellarie, a Roll ſubſcryved with his hand, containing the names of all ſuch perſons within his Diocie who are excommunicat for Religion. And ordains the ſaid Theſaurer and his Deputes, that they receive no reſignations, nor grant confirmations nor infeftments to, nor in favours of any of the perſons whoſe names ſhall be contained in the ſaid Roll. And that the Director of the Chancellarie and his Deputes give out no Brieves, receive no Retours, nor direct no precept upon Retours, nor upon compriſings, in favours of any of the ſaids perſons whoſe names ſhall be inſert in the ſaid Roll at no time thereafter, while the ſaid perſon or perſons produce unto the ſaid Theſaurer, Comptroller, Director of the Chancellarie, and their Deputes, a ſufficient teſtimonial ſubſcryved by the ſaid Archbiſhop or Biſhop, teſtifying their relaxation from the ſaid excommunication, and their obedience and ſatisfaction to the Kirk, as the ſaid Theſaurer, Director of the Chancellarie, and their Deputes will be anſwerable to His *Majeſty* upon the dutie of their office. And likewiſe our ſaid Soveraign Lord, and Eſtates foreſaids, declares that it ſhall be lawful to all Lords of Regalities, and to all Superiours whatſomever within this Kingdom, to refuſe Brieves and Precepts of *Clarè conſtat*, in favours of any perſon or perſons, whoſe names ſhall be inſert in the ſaid Roll. As alſo to refuſe the entrie of Tenents upon compryſing, whoſe names are inſert in the ſamin Roll.

CHAP. V.

Act againſt Jeſuits, Seminarie Prieſts, ſayers or heavers of Maſſe, Papiſts, and reſetters of them.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering the impunitie of Jeſuits, Seminarie Prieſts, and others Papiſts; adverſaries to the true Religion profeſſed in this Realm, and their reſetters in times bygone, hes been the cauſe aſwell of their increaſe as of their inſolence in all the parts of this Realm. And that the ſame hes proceeded partly upon the negligent execution of the acts of Parliament made againſt the ſaids Papiſts, Jeſuits, and Seminary Prieſts and their reſetters, and partly upon ſome obſcuritie of words in the ſaids Acts. Therefore our ſaid Soveraign Lord, and Eſtates foreſaids, moſt willing to have the ſaids acts put to due execution in all points, and Papiſtrie and

ſuperſtition

ſuperſtition utterly ſuppreſſed according to the intention of the ſame, hes ratified, approved and confirmed, and by the tenor of this preſent act, ratifies, approves and confirms all and whatſomever acts of Parliament, either made in His Highnes minoritie and leſſe age, or elſe ſince his acceptation of the government in His own Perſon, againſt Jeſuits, Seminarie Prieſts, Papiſts, ſayers and hearers of Meſſe, and reſetters of the ſaids perſons or any of them; And decerns and ordains the ſamin to have full ſtrength, force and effect, and to be put to due execution in all time coming, with theſe explanations after following: That the ſaids Acts made againſt hearers and ſayers of Meſſe ſhall be put to due execution, and be extended to all hearers and ſayers of Meſſe, without any exception or reſtriction. As likewiſe that all acts made of before againſt the reſetters of the ſaids perſons have their full force, ſtrength and effect, and be put to due execution againſt the ſaids reſetters; after lawfull intimation and denunciation be made of the ſaids perſons. Which denunciation and intimation His Highnes and the Eſtates foreſaids declairs to be ſufficient to cauſe the ſaids reſetters of the ſaids Papiſts, Jeſuits, Seminarie Prieſts, and others contained in the ſaids acts, incurre the pains therein contained, if the ſame be made at the head Burgh of the Shire where the ſaids perſons remains, and at the market Croſſe of *Edinburgh*, without any farther intimation to be made thereanent. After the which denunciation and intimation to be made, as ſaid is, Our ſaid Soveraign Lord and Eſtates foreſaids, declares that whoſoever thereafter ſhal wittingly and willingly reſet any of the ſaids perſons, either privatly or publickly, that the ſaids reſetters ſhall incurre the pains contained in the ſaids acts, they being lawfully convict thereof. And that the act made in His Highnes firſt Parliament, bearing that none that profeſſe not the true Religion preſently profeſſed within this Realm, may be Judge, Procuratour or member of Court, be extended to all and whatſomever offices, without any exception or reſtriction in all time coming. And for the better execution of the ſaids acts, our ſaid Soveraign Lord and Eſtates foreſaids, commands and ordains all Archbiſhops, Biſhops and Presbyteries, to call before them the ſaids Papiſts, Jeſuits, Seminarie Prieſts, and their reſetters, every one within their own bounds; and to take tryal and cognition if they have contravened the ſaids acts or any part thereof. And according as they finde after due tryall and probation, that they report the ſame to His Highnes Advocat and Secret Councel; to the effect they may be called and convened before them, and puniſhed according to the ſaids acts in all points.

CHAP. VII.

Act of the Commiſſariates and juriſdiction given to Archbiſhops and Biſhops.

OUR Soveraign Lord, underſtanding that in all well governed Republicks, the juriſdiction Civil and Eccleſiaſtick are ſeveral, diſtinct and divers juriſdictions, which ought to be adminiſtrat by the perſons to whom the ſame properly belongs; and according to His Highnes moſt loving and Princely affection born alwayes to the Chriſtian reformed Kirk within this Realm, being moſt willing that the ſaid Kirk ſhould bruike and joyſe their liberties, priviledges, freedom and juriſdiction granted to them by His *Majeſty* (from whom only their temporal juriſdiction doth flow) and in that regard belonging to them as being one of the Eſtates of Parliament moſt neceſſar to be maintained for giving of their advice, counſell and aſſiſtance in all His *Majeſties* great and weighty affairs, hes with expreſſe advice and conſent of the Eſtates of Parliament, reſtored and redintegrate the Archbiſhops and Biſhops of this Realm to their former authority, dignity, prerogative, priviledges and juriſdictions lawfully pertaining, and ſhall be known to pertain to them (alwayes flowing from His *Majeſty*, aſwel as any other ordinar juriſdiction doth) and ſpecially to the juriſdiction

ation of Commiſſariates, and adminiſtration of juſtice by their Commiſſioners and Deputies in all Spiritual and Eccleſiaſtical cauſes contraverted between any perſons dwelling within the bounds and Diocies of their Prelacies and Biſhopricks; with full power to the ſaids Archbiſhops, Biſhops, and their ſucceſſors in all time hereafter, to nominat and creat ſufficient, wiſe, diſcreet and learned men, beſt acquainted with the law and practick of this Realm, to ſerve and adminiſtrat juſtice in the ſaids places of Judicatory, to conſtitute Clerks and all other under-officers ſo oft as the ſame ſhall vaik by dimiſſion, deceaſe, deprivation or otherwiſe, and to provide others in their places, with as great freedom and liberty as any Archbiſhops or Biſhops in this Realm formerly have done. Which Commiſſars to be nominat and creat by them, ſhall judge and decide in all cauſes belonging to their Judicatory. And wherein the Commiſſares preſently in office are in uſe to decide, keeping the ſame ſtile and forme which is preſently obſerved, and that manner of proceeding which ſhall be preſcrived and injoyned to them by ſpecial injunctions, without any alteration of the preſent Laws, or introduction of new and uncouth practicks upon the Subjects and Lieges, and ſhall have power of Confirmation of Teſtaments every one of them within their own bounds. The Quotes thereof to be payed to the Archbiſhops, Biſhops, their Chamberlans, Factors and Under-receivers appointed by them. For the better effectuating whereof, His *Majeſty* and Eſtates of Parliament, ordains Letters of Horning to be given and granted by the Lords of Seſſion in that ſame very ſort that the Commiſſares preſent have it, for execution of all their ſentences and decreets which ſhall happen to be pronounced by them, and compelling of perſons to enter and confirm the Teſtaments of their Defuncts in the very ſame manner that formerly hath been done. And for maintaining all things in better order, and the reſtraining of unlawfull Divorcements, over frequently practiſed within this Realm, to the high diſhonor of GOD, and ſlander of true Religion: His *Majeſty*, with advice and conſent foreſaids, hath ſtatute and ordained, that in the Burgh or *Canongh* there ſhall be reſident alwayes four Commiſſares, two to be nominate and appointed by the Archbiſhop of *Saint Andrews*, and two by the Archbiſhop of *Glaſgow*, who ſhall have the only power to decide in all cauſes of divorcement: As likewiſe ſhall have power of reduction of all decreets pronounced by any other Commiſſares, to the hurt and prejudice of any of the Lieges; before whom it ſhall be only lawfull to intend and purſue reductions of inferiour Commiſſares their ſentences and decreets of *prima inſtantia*. And in caſe the ſaids Commiſſares to be appointed by the Archbiſhops of *Saint Andrews* and *Glaſgow*, as ſaid is, perform not their duty, the Lords of Seſſion ſhall have power to try, cognoſce and determin in the ſame; and ſhall judge upon all decreets and ſentences alledged to be wrangouſly pronounced by them. And that becauſe they are His *Majeſties* great Conſiſtory, to whom His Highnes with advice of the ſaids Eſtates, gives and grants an high ſupream Commiſſion for all ſuch cauſes, to judge and determin of them in ſuch caſes. And declares that it ſhall be lawfull to the ſaids Lords of Councel and Seſſion, to advocate cauſes to themſelves from any of the Commiſſares, upon juſt and lawfull complaints made to them by any of the ſubjects, and not otherwiſe. Providing alwayes, that the ſaid Seſſion ſhall ever be ready to give an account to His *Majeſty*, that their advocations have been grounded upon probable and lawfull grounds for the well of the ſubjects. And that this foreſaid Act may be put in preſent effect, His *Majeſty* with advice foreſaid, declares all former erections of Commiſſariates to be ſuppreſſed and extinct from this forth and for ever, all conſtitutions that have been in former time of the ſame in whatſoever part of the Realm the ſame hath been erected, and by whatſoever manner the ſame hath proceeded, Act of Parliament, Secret Councel, and others made there-anent. And in like manner; diſcharges, and annuls all preſentations, gifts or diſpoſitions made by His Highnes to the Commiſſares preſent; to any other concerning the ſaid Commiſſariates, and all rights acquired by

Deputies or Commiſſares.

Clerks and Officers.

Confirmation of [illegible]

Divorcement.

Commiſſares in Edinburgh.

Reduction of decreets.

Advocation of actions.

Diſcharge of former Commiſſariats.

them by deceaſe, dimiſſion, or howſoever the ſame hath vaiked, and all gifts and diſpoſitions made in favours of their Clerks and members of Court, by whatſoever manner of order the ſame hath proceeded. With this proviſion always, that the Commiſſares preſently in office, their Clerks and other members of Court, who ſhall be authorized with teſtimonial from the Lords of Seſſion of their ſuffieiency and qualification to their ſeverall places and offices, ſhall bruike and joyſe the ſame, they alwayes receiving new preſentation and gift of their offices from the Archbiſhops and Biſhops of their Diocies where they ſerve, between and the firſt day of *December* next to come. Otherwiſe if in caſe the ſaids Commiſſares and other members of Court do not produce the foreſaid Teſtimonial from the Lords of Seſſion, as ſaid is, it ſhall be lawfull to the Archbiſhops and Biſhops to provide other ſufficient perſons to the ſaids places. The reſtitution of the ſaid juriſdiction alwayes to be with expreſs reſervation of His Highnes and His ſucceſſors their prerogatives and ſupremacy in all cauſes Eccleſiaſtical and Civill within this Realm: Providing alwayes that this preſent Act ſhall nowiſe be hurtfull nor prejudicial to the heretable right of the Commiſſariat within the bounds of *Argyle*, pertaining to *Archibald* now Earl of *Argyle*, but the ſame to ſtand in the ſame force, ſtrength and effect as it was before this preſent Act, and notwithſtanding thereof, or any clauſe therein contained, *Pront de jure.*

Teſtimonials to be given.

The Kings prerogative.

Commiſſariat ſar of Argyle.

CHAP. VII.

Act anent the Commiſſioners and Juſtices of Peace.

FOraſmuch as among the infinit monuments and teſtimonies of His *Majeſties* true piety, ſingular wiſdom, ſincere zeal to juſtice, and fatherly care of His people, the Eſtates of this Kingdom have not found any bringing more deſerved commendation and [illegible] to His *Majeſty*, or greater profit, quietnes and comfort to His ſubjects, nor his conſtant perſeverance in his moſt religious and prudent reſolution to extirpat the ungodly, barbarous and brutall cuſtom of deadly feads, which by the inveterat abuſe of many by-paſt ages was become ſo frequent in this Realm, as the ſubjects of greateſt rank and quality, upon every naughty occaſion of baſe and unworthy contraverſies of neighbourhood, for turves, fold-dyks, furrs or marches of lands, fooliſh words, or drunken diſcords between their meaneſt ſervants and dependers, and any other in the Countrey, did ſo readily embrace the protection of their unjuſt and unneceſſary quarrels, as did many times involve themſelves and their whole friendſhip in moſt bloody and mortall troubles, which they did proſecute with ſuch malice and cruelty, as to the extream perill of their ſouls, infamy of their memorial, and overthrow of their own and their adverſaries houſes, did diſtract the Kingdom in oppoſit factions, and many times furniſhed matter of moſt pernicious, ſeditious and Civill warres. The inconveniences whereof being manifeſtly ſeen and ſenſibly felt, both by the Princes and people of this Realm in many by-paſt ages, and earneſtly ſought to have been removed, yet the corruption was ſo univerſall, that the greateſt part prevailing againſt the beſt, that cruell barbarity hath both continuance and daily increaſe, untill His *Majeſty* bending the excellent wiſdom and rare Graces of His Royall mind (wherewith GOD hath endued Him more abundantly then any King that ever did reign in this Iſland) againſt that godleſs, unnaturall and beaſtly cuſtom, did deviſe and eſtabliſh a moſt godly, juſt and prudent Law and Ordinance for the courſe to be obſerved, for removing upon equitable and juſt conditions the deadly feads, which then ſtood in great number between the moſt powerfull ſubjects of this Kingdom and their kinſmen, aſſiſters and partakers: In the execution whereof, GOD having miraculouſly aſſiſted his *Majeſties* moſt holy and juſt intention after exceeding great care and pains taken by his *Majeſty* in tryall of the originall cauſes of the ſaids diſcords, the true circumſtances of the injuries

juries and losses sustained by either party, and in prescryving due satisfaction to be indifferently made for redresse of all by-past harmes and wrongs; His *Majesties* admirable constancie hes so overcome all difficulties, that the whole known feads within the Kingdom being now removed by perfect reconciliation, and just contentment of all parties having interest therein, His *Majesties* whole subjects finds such joy and happines in the sweet fruits of His wisdom and providence expressed in that case; that they earnestly wish that His *Majesty* who hes so carefully exterminate that abominable pest of deadly feads, may in his singular wisdom finde means for ever to prevent the reviving of that monster. Wherein His *Majesty* considering that nothing gave so great growth and strength to that by-past barbaritie, as the slouth of Magistrats in not suppressing the first feads of these dissentions, which being small and weak in the beginning, for Peets, Turves, Devits, Fold-dyks, Poyndings, neighborly marches, injurious words or light brawls were then easily to be setled, if diligence and authority had been joyned for repressing thereof, which being neglected by those to whom it appertained, these light jarres and insolencies did very oft kindle such flames of disorder, dissention, rankor and fead, as in many years with great streams of blond, desolation and ruine of great and ancient houses and races could hardly be quenched. For remeed whereof His *Majesty* and Estates forsaids, Ratifies and approves the former act made by His Highnes, for abolishing deadly feads in every head, clause and article thereof. And farther statutes and ordains, that in every Shire within this Kingdom, there shall be yearly appointed by His *Majesty* some godly, wise and vertuous Gentlemen of good qualitie, moyen and report, making residence within the same, in such number as the bounds of the Shire shall require, to be Commissioners for keeping His *Majesties* peace, to whom His *Majesty* with advice of the Lords of His Privy Councell shall give power and Commission to over-see, try and prevent all such occasions as may breed trouble and violence amongst His *Majesties* subjects, or forceable contempt of His *Majesties* authority ~~and breach of His peace~~. And to command all persons in whom they shall see manifest intention to make trouble and disorder, either by gathering together of idle and disorderly persons, or by publick bearing or wearing of Pistolets, or other forbidden weapons, and such other ryotous and swaggering behaviour; to binde themselves and finde caution under competent pains to observe His *Majesties* peace, and for comperance before His *Majesties* Justice or Lords of His Privy Councell, to underly such order as shall be found convenient for punishing their transgressions, or staying of troubles and enormities. And if need shall be, to require the duetiful and obedient subjects of the Shire to concurre with them in preventing all such contempts and violences, or for taking and wairding of the wilfull and disobedient authors. committers and fosterers of these crimes and disorders, under such competent arbitrare pains as His *Majesty* and Lords of His Privy Councel shall appoint for the offenders. And such of the Countrey as being required, shall not give their ready and afald concurrence to His *Majesties* Commissioners in the premisses, whereby the Ordinar Magistrats and Officers within the Shires, may be the better assisted, and their absence, imployments, or other impediments more commodiously supplyed, without derogation of their jurisdiction, or want of ready comfort and justice to the obedient subjects within the bounds thereof. Ordaining also the saids Commissioners to give true advertisement and information to the Lords of His *Majesties* Privy Councel, Justice general and his Deputes, His *Majesties* Thesaurer, and other Magistrats and Officers whom it effeirs, of the names of such faithful and unsuspect witnesses and assysers, to be summoned in all crymes and disorders which shall happen to fall forth within the saids Shires, as shall be known to be most meet and able for tryal and probation of the same, and for eschewing that such as are either aged, sicklie or unable to travel, or ignorant of the facts to be tryed, be not unjustly vexed, or unnecessarly drawn from their own houses and affairs, for matters wherein they are not able to give any light.

CHAP. VIII.

Act of the apparel of Judges, Magiſtrats, and Kirk-men.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, finding by daylie experiences, that the greatnes of His *Majeſties* Empyre, magnificence of His Court, fame of His Wiſdom and Juſtice, and of the civilitie of His Subjects, hes already begun to allure divers forrain Princes, and other ſtrangers of all eſtates, to make more frequent repair to this Countrey, nor ever they did in any preceeding age. Which reſort of ſtrangers will by all appearance both continue, and daily more and more increaſe; and by them no doubt, report will go through all the world of the eſtate and government of the Kingdom, according to the order which they ſhall ſee obſerved within the ſame; whereof the Rules and good example flowing from the Eſtates of Parliament and Magiſtrats, to the whole remanent ſubjects of the Realm. It is moſt neceſſar that ſuch gravitie and comelines be uſed by the Lords and Commiſſioners of Parliament, and others Magiſtrats in their apparel and behaviour, as may beſt deſerve the good report and true commendation of all Princes, Noblemen and others ſtrangers, who ſhall have occaſion to relate the ſame. The reſpect whereof having induced His *Majeſty* to preſcrive to the Nobilitie apparel for the Parliament becomming their honourable Eſtate. And underſtanding that the remanent members of that high Court have not reformed themſelves to the like conveniencie, neither yet that the courſe intended by His *Majeſty* for diſcharging Noblemen and Gentlemen to be elected Proveſts and Magiſtrats of Burrows (whereof none ſhould be capable but Burgeſſes, actual traffickers and inhabitants of the ſaid Burrows) hes tane ſuch effect as is moſt neceſſar for preſervation of the liberties and good eſtate of the ſaide Burrows, and hindring the diſſipation of their common good, and perverting of their privileges. For remeed whereof, His *Majeſty* with advice of the Eſtates of His Highnes Parliament, ſtatutes and ordains, that no man ſhall in any time comming be capable of Proveſtrie or other Magiſtracie within any Burgh of this Realm, nor to be elected to any of the ſaids Offices within a Burgh, but merchants and actual traffickers inhabiting within the ſaids Burghs allanerly, and no others. And that the ſaids Magiſtrats of Burrows to be hereafter elected, and their Commiſſioners of Parliament, ſhall have and weare at Parliament, Conventions and other ſolemne times and meetings when the dignitie ſhall require it, ſuch comely and decent apparel as His *Majeſty* ſhall preſcrive convenient for their rank and eſtate, whereby they may be diſcerned from other common Burgeſſes, and be more reverenced by the people ſubject to their charge. And becauſe a comely, decent and orderly habite and apparel in the Judges of the Land, is not only an ornament to themſelves (being a badge and mark for diſtinguiſhing them from the vulgar ſort) but the ſame alſo breeds in common people that reverence and regard that is due and proper for men in theſe places. And this being a cuſtome univerſally obſerved almoſt through all Europe, the want whereof is greatly cenſured by ſtrangers reſorting in theſe parts: The ſaids Eſtates therefore upon infinite proofs they have of His *Majeſties* moſt ſingular wiſdom in all His directions, and of His gracious love and affection to this His native Kingdom, have in all humilitie referred to His Highnes own appointment the aſſigning of any ſuch ſeveral ſort of habite and veſtiment as ſhall be in His *Majeſties* judgment moſt meet and proper, aſwell for Lords of Seſſion being the ſupreme Judges in Civil actions, as for all other inferior Judges of the like cauſes. As alſo for the Criminal and Eccleſiaſtical Judges, and for Advocats, Lawyers, and all others living by Law and practice thereof; that ſo every one of theſe people may be known and dignoſced in their place, calling and function, and may be accordingly regarded and reſpected. Attour, His *Majeſty* and Eſtates foreſaids, conſidering what ſlander and contempt

The ſtates Parli[illegible] me[illegible]

Magiſtrats within Burrows. Their apparel.

Apparel of judges is referred to the King.

Lords of the Seſſion.

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Prelats.

Apparel of Kirkmen referred to the King.

CHAP. IX.

Act againſt ſcandalous ſpeeches and writs.

OUR Soveraign Lord fore-ſeeing that there is nothing ſo neceſſar for the perpetual well and quietneſſe of all His ſubjects of this Monarchie as the furtherance and accompliſhment of the union of His two famous and moſt ancient Kingdoms of *Scotland* and *England*, whereof His *Majeſty* out of His fatherly care of the peace and happines of His good and faithful people, having moſt inſtantly and earneſtly ſolicited the perfection, and by the aſſiſtance of the worthieſt members of both Kingdoms, ſo effectually advanced the ſame, as he hopes (God willing) in His Reign to ſee the wiſhed end of that great work, which in His Royall Perſon hes received ſo miraculous and happy a beginning. And nevertheleſſe finding therein ſuch malicious letts, as the devil and his ſuppoſts do uſually ſuggeſt, to the hinderance of all juſt and godly enterpriſes, ſpecially by the falſe and calumnious brutes, ſpeeches and writs, craftily uttered and diſperſed by ſome lawleſſe and ſauleſſe people of this Realm, aſwel in privat conferences as in their meetings at tavernes, ale-houſes and plays, and by their paſquils, lybels, rymes, cockalans, comedies and ſuchlike occaſions, whereby they ſlander, maligne and revile the people, Eſtate and Countrey of *England*, and divers His *Majeſties* honourable Counſellers, Magiſtrats, and worthy Subjects of that His *Majeſties* Kingdom. The continuance whereof being able to incenſe the people of *England* to juſt grief and miſcontentment, may not only hinder the intended union of all the good ſubjects of this Monarchie, but ſtir up in them ſuch irreconciliable evil will, as with time might bring forth moſt dangerous and harmfull effects. For remeed and preventing whereof, His *Majeſty* remembring how ſtrait and ſevere puniſhment hes by the Laws and Acts of His moſt Royall Progenitours Kings of this Realm heretofore been ordained to be inflicted upon ſuch as ſhould deviſe or utter falſe and ſlanderous ſpeeches and writs, to make

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The Eſtates Parliament.

Magiſtrats within Burrows. Their apparel.

Apparel of Judges is referred to the King. Lords of the Seſſion. Inferiour Judges. Lawyers.

tempt hes ariſen to the Eccleſiaſtical Eſtate of this Kingdom by the occaſion of the light and undecent apparel uſed by ſome of that profeſſion, and chiefly theſe having vote in Parliament. It is therefore ſtatute, that every Preacher of Gods word ſhall hereafter weare black, grave and comely apparel beſeeming men of their eſtate and profeſſion. As likewiſe that all Pryors, Abbots and Prelats having vote in Parliament, and ſpecially Biſhops, ſhall weare grave and decent apparel agreeable to their function, and as appertains to men of their rank, dignitie and place. And becauſe the whole Eſtates humbly and thankfully acknowledges, that GOD of his great mercy hes made the people and ſubjects of this Countrey ſo happy as to have a King reign over us, who is moſt godly, wiſe and religious; hating all erroneus and vain ſuperſtition, juſt in government, and of long experience therein, knowing better then any King living what appertains and is convenient for every eſtate in their behaviour and duetie; Therefore it is agreed and conſented to by the ſaids Eſtates, that what order ſo ever His *Majeſty* in his great wiſdom ſhall think meet to preſcrive for the apparel of Kirk-men, agreeable to their eſtate and moyen; the ſame being ſent in writ by His *Majeſty* to His Clerk of Regiſter, ſhall be a ſufficient warrant to him for inſerting thereof in the Books of Parliament, to have the ſtrength and effect of an act thereof, with executorials of Horning to be direct thereupon, againſt ſuch perſons as within the ſpace of fourty dayes after the publication or intimation to them of the ſaid act or charges uſed againſt them thereupon, ſhall not provide themſelves of the apparel to be appointed by His *Majeſty* for men of their vocation and eſtate, to be uſed and worn by them and their ſucceſſours at the times, and in manner to be expreſſed in the ſaid act to be made by His Highnes thereanent.

Miniſters.

Prelats.

Apparel of Kirkmen referred to the King.

CHAP. IX.

Act againſt foundalous ſpeeches and Libells

OUR Soveraign Lord fore-ſeeing that there is nothing ſo neceſſar for the perpetual well and quietneſſe of all His ſubjects of this Monarchie as the furtherance and accompliſhment of the union of His two famous and moſt ancient Kingdoms of *Scotland* and *England*, whereof His *Majeſty* out of His fatherly care of the peace and happines of His good and faithful people, having moſt inſtantly and earneſtly ſolicited the perfection, and by the aſſiſtance of the worthieſt members of both Kingdoms, ſo effectually advanced the ſame, as he hopes (God willing) in His Reign to ſee the wiſhed end of that great work, which in His Royall Perſon hes received ſo miraculous and happy a beginning. And nevertheleſſe finding therein ſuch malicious letts, as the devil and his ſuppoſts do uſually ſuggeſt, to the hinderance of all juſt and godly enterpriſes, ſpecially by the falſe and calumnious brutes, ſpeeches and writs, craftily uttered and diſperſed by ſome lawleſſe and ſauleſſe people of this Realm, aſwel in privat conferences as in their meetings at tavernes, ale-houſes and plays, and by their paſquils, lybels, rymes, cockalans, comedies and ſuchlike occaſions, whereby they ſlander, maligne and revile the people, Eſtate and Countrey of *England*, and divers His *Majeſties* honourable Counſellers, Magiſtrats, and worthy Subjects of that His *Majeſties* Kingdom. The continuance whereof being able to incenſe the people of *England* to juſt grief and miſcontentment, may not only hinder the intended union of all the good ſubjects of this Monarchie, but ſtir up in them ſuch irreconciliable evil will, as with time might bring forth moſt dangerous and harmfull effects. For remeed and preventing whereof, His *Majeſty* remembring how ſtrait and ſevere puniſhment hes by the Laws and Acts of His moſt Royall Progenitours Kings of this Realm heretofore been ordained to be inflicted upon ſuch as ſhould deviſe or utter falſe and ſlanderous ſpeeches and writs, to make

diſſention

diſſention between the Prince and His ſubjects, or raiſe ſedition in the Realm; conſidering that all ſuch purpoſes and writs as may breed diſliking between the inhabitants of the ſaids Kingdoms of *Scotland* and *England*, being now all become His *Majeſties* Liege-people; equally ſubject, and equally beloved of His Highnes, tends to moſt dangerous diſſention and ſedition amongſt His ſubjects. Therefore His *Majeſty* with advice and conſent of the whole Eſtates of this Parliament, ſtatutes and ordains, that whoſoever ſhall hereafter by word or writ, deviſe, utter or publiſh any falſe, ſlanderous or reproachfull ſpeeches or writs of the Eſtate, People or Countrie of *England*, or of any Counſeller thereof, tending to the remembrance of the ancient grudges, born in time of bypaſt troubles, (the occaſion whereof is now happily aboliſhed by the bleſſed conjunction of the ſaids Kingdoms under His *Majeſties* ſoveraignity and obedience) or to the hinderance of the wiſhed accompliſhment of the perfect union of the ſaids Kingdoms, or to the ſlander or reproach of the Eſtate, People or Countrey of *England*, or diſhonour or prejudice of any Counſeller of the ſaid Kingdom, whereby hatred may be foſtered and entertained, or miſliking raiſed between His *Majeſties* faithful ſubjects of this Iſle. The authors of ſuch ſeditious, ſlanderous and injurious ſpeeches or writs, or diſperſers thereof, after tryal taken of their offence, either before His *Majeſties* Juſtice, or the Lords of His Highnes Privy Councel, ſhall be ſeverely puniſhed in their perſons and goods, by impriſonment, baniſhment, fyning, or more rigorous corporal pain, as the qualitie of the offence ſhall be found to merite at His *Majeſties* pleaſure. And all ſuch as hearing or getting knowledge of any ſuch ſpeeches or writs, ſhall conceale the ſame, and not reveale them to His *Majeſties* ordinar Officers, Magiſtrats or Counſellers, whereby the authors and diſperſers thereof may be puniſhed, ſhall underly the like tryal and pain.

CHAP. X.

Act anent fugitive perſons of the Borders to the in-Countrey.

FOraſmuch as the King's *Majeſty* is reſolved to purge the midle Shires of this Iſle, heretofore called the borders of *Scotland* and *England*, of their barbarous cruelty, wickednes and incivility; which by inveterate cuſtome was almoſt become natural to many of the inhabitants thereof, and to reduce them to the knowledge, love and fear of God, reverence of His *Majeſties* authority, obedience of His Laws, and duetie to their neighbours; for accompliſhing of that moſt Royal deſigne, made choyce of one to be Commiſſioner in theſe bounds, whom by many aſſured prooſes in former imployments of greateſt conſequence, His *Majeſty* knew to be indued with all qualities neceſſary for ſo weighty a charge, who following preciſely the rules of His *Majeſties* moſt prudent directions, and uſing all poſſible diligence and dexterity in proſecution thereof, made ſo happy progreſſe in that good courſe, as juſtly puniſhing the moſt perverſed and rebellious ring-leaders (whoſe amendment was deſperate) and tranſporting others of them forth of this Iſle, the reſt were brought to very ſettled quietnes and obedience of His *Majeſties* Laws, a very few number of outlaws only excepted, who being ſo earneſtly ſearched and purſued in theſe bounds, as all hope of eſcaping and longer impunitie was taken from them: they have by moſt ſubtile and craftie means by changing their names, and diſſembling the place of their nativity, convoyed themſelves in the in-Countreyes of this Realm, and inſinuated themſelves in ſervice with Noblemen and others of good qualitie, not only thereby eſchewing their deſerved puniſhment, but alſo abuſing and harming His *Majeſties* good ſubjects, by their darned ſtouths in the in-Countrey tranſported, reſet and quietly ſold in the bounds of the late Borders. And again, ſtealing gear forth thereof, and out of the bounds of theſe middle-ſhires, and outring and ſelling the ſame in the in-Countreyes. Beſides that,

others

others of the ſaids out-laws have been allured, and had reſet and over-ſight in the in-countries by ſome men of rank and power, to be inſtruments and executors of ſuch revenge and miſchief againſt theſe to whom they bear malice, grudge or quarrell; which for fear of his *Majeſties* Laws and authority they durſt not attempt by themſelves. For remeed whereof, his *Majeſty* with advice and conſent of the Eſtates of Parliament, ſtatutes and ordains that no man ſhall hereafter either receive or retain any man born or long habituate in the late Borders in his ſervice or company, or upon his lands, unleſs he have certain knowledge, or a true and authentick teſtimonial of His *Majeſties* great Commiſſioner of the late Borders, or his Depute, of the ſaid Border-mans true name and ſurname, place of his nativity, and report of his truth and lawtie, and that he is no known malefactor, but repute a dutifull and obedient ſubject, under the pain to incurr the danger, and to be made anſwerable civilly and criminally to His *Majeſty* and all his lawfull ſubjects, for all actions and crimes which might be any wayes laid to the charge of the ſaids broken-men, for any cauſe or occaſion either preceeding, or during the time of their receiving or retaining in their ſervice, company, or upon their lands, as if the reſetter had committed the ſaids faults himſelf. As likewiſe, becauſe ſome who are not known to have committed any haynous offence in their own perſon, obtaining teſtimonial of their name, birth and good report, may give the ſame to broken-men to be uſed by them in places where they are not known; It is ſtatute and ordained, that whoſoever ſhall either give his teſtimoniall to any man, whereby it may be abuſed by another nor him to whom it was truely granted; or who ſhall falſly uſe another mans teſtimoniall, or who ſhall forge to himſelf or uſe a falſe teſtimonial in the premiſſes, ſhall be puniſhed to the death. And to the effect His *Majeſties* faithfull and obedient ſubjects may have the better knowledge of the ſaids fugitives and broken-men, and that ſuch as reſet them may want all pretext and excuſe of ignorance: It is ſtatute and ordained, that a Roll ſhall be made by His *Majeſties* great Commiſſioner of the middle-ſhires, containing the names of the ſaids Rebels, fugitives, out-laws and broken-men, with the moſt notor and evident marks and deſcription of their age, ſtature, colour, and other tokens whereby they may be moſt eaſily and readily known. And being Imprinted, ſhall be ſent to the Sheriffs and Magiſtrates of the in-countries, and proclaimed at the market Croſſes of the head Burrows of the Shires, and other places needfull. And thereafter be publickly affixed upon the ſaids croſſes or Tolbooths of the ſaids Burrows. After which publication, It is ſtatute, that the contraveeners of this Act, or any head or article of the ſame, ſhall be rigorouſly puniſhed in their perſons and goods in manner foreſaid.

Teſtimoniats uſed falſly:

A Roll of fugitives.

CHAP. XI.

Act in favours of the Lords of Seſsion, of ten thouſand pounds to be given to them yearly.

OUR Soveraign Lord, and Eſtates of Parliament, having for juſt and neceſſar reſpects concerning the preſervation of this Eſtate and chief Members thereof, reſtored the Biſhops, being now the only remanent of the Kirk Eſtate having vote in Parliament, to their Livings, Juriſdictions and Place; And finding by experience, that they will be altogether unable worthily to diſcharge their duties in that honorable rank, unleſs they be provided of ſufficient maintenance; not only for bearing the privat charges of their families, but alſo to ſuſtain the great burdens of their weighty imployments at Parliaments, Conventions, and other publick affairs concerning His *Majeſties* ſervice and general well of the Countrey; hath earneſtly dealt with the Lords of His *Majeſties* Councill and Seſsion, to conſent that the Quotes of the whole Teſtaments within this Kingdom, which did juſtly pertain to the ſaid Seſsion by lawfull gifts and diſpoſitions thereof, granted to them by His

Majeſty

Majeſty and His Predeceſſors, and ratified in Parliament, might be diſponed to the ſaids Biſhops, every one of them within their own Diocies, and be poſſeſſed by them in time-coming. Whereinto the ſaids Lords of Seſſion preferring their affection and zeal every way to grant ſatisfaction to His *Majeſty*, to their own profit and preſent ſurety, have moſt humbly yeelded. And His *Majeſty* being alwayes of mind and intention to remunerat his ſaids faithfull, truſty and obedient Councellors and their ſucceſſors for their willing obedience to this His *Majeſties* deſire, in dimiſsion and renunciation of the ſaid Quote ſilver, they being the only ordinar ſupream Judges of this Realm for adminiſtration of Juſtice, and entertainment of Policy and Peace within the ſamin, which neceſſarly requires their daily and continual preſence and attendance, preferring the publick good and well of the Realm, in the adminiſtration of Juſtice indifferently to His *Majeſties* Lieges, to their own privat and domeſticall affairs; and in the mean time are forced to ſpend their own Patrimony and Rent in the ſaid publick well of the Realm. And His *Majeſty* having now by ſpecial Inſtructions proponed to the ſaids Eſtates of Parliament, the ſaids great and faithfull ſervices done to His Highnes, and for the common well of the Realm of *Scotland* in particular, by His ſaids right truſty and familiar Counſellors, the ſaids Lords and Senators of His Highnes Colledge of Juſtice, in yeelding and granting to His Highnes ſpecial deſire, to ſurrender and over-give from them the ſaid Quote ſilver of the Teſtaments, being the moſt and beſt part of their Patrimony, to and in favors of the ſaids Archbiſhops and Biſhops of this Realm, for the help and ſupply of their eſtate, as is before ſaid. And the ſaids Eſtates of this preſent Parliament having thereupon taken full tryall and verification, they have found, tryed, cenſured and judged; like as they preſently find, cenſure, and judges the ſamin to be, and to have been great, ſeen, and reaſonable and profitable cauſes for the well of His *Majeſty*, and of the ſaid Realm of *Scotland*. As alſo, His Highnes and Eſtates foreſaids, finds, decerns and declares, that His *Majeſty* with their advice and conſent, may for the ſaids ſeen, profitable and reaſonable cauſes, which they have known and tryed to be for the ſeen well of His *Majeſty* and Realm, as ſaid is, give, aſſigne or diſpone any part of the patrimonie of His *Majeſties* annexed property of the Crown to the ſaids ordinar Lords and Senators of the Colledge of Juſtice and their Succeſſors, Senators of the Colledge of Juſtice, in recompence to them of the ſaid Quotes of Teſtaments, ſurrendred by them, and over-given at His *Majeſties* deſire and command; to and in favours of the ſaids Eſtates of Biſhops, and that in ſuch manner, forme and ſure conditions as His *Majeſty* beſt pleaſes for their ſecurity. And to that effect that the annexation of theſe parts of the ſaid patrimony of the Crown, that are to be aſſigned and diſponed to the ſaids Lords and ordinar Senators of the ſaid Colledge of Juſtice, and their Succeſſors Senators, ſhall be ſimpliciter diſſolved from the Crown, ſo that they may be given, aſsigned and diſponed to the ſaids ordinar Lords and Senators of the ſaid Colledge of Juſtice and their Succeſſors Senators perpetually in all time coming. And the ſaids Eſtates being ripely and gravely adviſed what His *Majeſty* may give and diſpone to the ſaids Lords and Senators and their Succeſſors, with the leaſt detriment to His Highnes Crown and yearly Rent. The ſaids Eſtates all in one voice, have found and declared, and by the tenour hereof finds and declares, that the Cuſtoms of this His Highnes Realm of *Scotland*, annexed to the Crown, may with the leaſt detriment to His *Majeſty*, or hurt to the Rent or Revenue of the Crown, for the ſeen cauſes above-expreſſed, be given, aſsigned and diſponed by His *Majeſty* to the ſaids ordinar Lords and Senators of his Highnes Colledge of Juſtice, and their Succeſſors Senators in moſt ample form. And to that effect, His *Majeſty* and Eſtates foreſaids of Parliament, diſſolves and annulls and infringes the annexation of the cuſtoms of this Realm of *Scotland* to the Crown, from the ſaid Crown and patrimony thereof, in ſo far as the ſame may be extended to the ſum of ten thouſand pounds, of the firſt, readieſt, moſt ſure,

and

and beſt payment of the ſaids Cuſtomers allanerly. And now after the ſaid diſſolution, His *Majeſty* and Eſtates foreſaids of this preſent Parliament, hes given, granted, aſſigned and diſponed, and by the tenour hereof, for the ſeen cauſes foreſaids, gives, grants, aſſignes and diſpones to the ſaids ordinar Lords and Senatours of His Highnes Colledge of Juſtice, and their ſucceſſours poſſeſſing the ordinar places of the ſaid Judicatory and Colledge of Juſtice perpetually in time comming; All and whole the ſumme of ten thouſand pounds, uſual money of *Scotland*, in recompence to them of the ſaid Quote ſilver of Teſtaments, overgiven by them at His *Majeſties* deſire, for the ſupport of the ſaid Eſtate of Biſhops, to be up-taken, up-liſted, and received by them, and their Collectors to be appointed by them in their names, yearly at two Termes in the year, Whitſonday, and Martinmes in Winter by even portions, forth of the readieſt and beſt payment of His *Majeſties* Cuſtoms of the ſaid Realm of *Scotland*, or any part thereof from His *Majeſties* Comptrollers, tackſmen, poſſeſſours and intrometters with the ſaids Cuſtoms, and others addebted in payment thereof, now preſent and that ſhall happen to be for the time, to be diſtributed amongſt them in ſuch forme as heretofore they were accuſtomed in dividing of the ſaid Quote ſilver. Begionning the firſt Termes payment thereof at the ſaid Feaſt and Terme of Martinmes next to come in this inſtant year of God one thouſand ſix hundreth and nine years, and ſo forth yearly and termly thereafter, at the termes foreſaids perpetually in all time comming, Charging therefore the ſaid Comptroller and tackſmen, poſſeſſors and intrometters with the ſaids Cuſtoms of the ſaid Realm of *Scotland*, or any part thereof, and others addebted in payment of the ſamin now preſent and that ſhall happen to be for the time; to readily anſwer, content, obey and make thankfull payment of the foreſaid yearly ſumme of ten thouſand pounds yearly money foreſaid, to the ſaids ordinar Lords and Senators of the ſaid Colledge of Juſtice and their ſucceſſours, and their collectors in their names, forth of the readieſt and beſt payment of the ſaids Cuſtoms, and that they be preferred in payment thereof to all and whatſomever other perſon or perſons pretending right to the ſaids Cuſtoms, or any part thereof by penſion, aſſignation, gift or other right or diſpoſition whatſomever. Beginning the firſt Termes payment of the ſamin, at the ſaid Feaſt and Terme of Martinmes next to come, and ſo forth yearly and termely thereafter at the termes foreſaids, perpetually in all time comming; which ſhall be thankfully allowed to the payers, they taking the ſaids Lords and Senatours, or Collectors acquittances and diſcharges to ſhew upon compt for their warrant in the Chequer. And likewiſe commanding the Lords auditors of the Chequer preſent and to come, to allow to the payers of the foreſaid ſum of ten thouſand pounds yearly and termly, in the firſt end of their compt, upon the ſight of the ſaids Lords and Senatours, or their ſaids Collectors acquittance upon the payment thereof, thir preſents being alwayes ſhown and produced in Chequer. And als His *Majeſty* and Eſtates foreſaids of this preſent Parliament, decerns and ordains His *Majeſties* Comptroller preſent and his ſucceſſours, Comptrollers for the time; as likewiſe the tackſmen of the ſaid Cuſtoms preſent and to come, and intrometters therewith, and addebted in payment thereof to become acted themſelves, and to find ſufficient caution and ſuretie acted in the Books of Counceil and Seſſion, for thankfull payment of the foreſaid ſumme of ten thouſand pounds, to the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice and their ſucceſſours, yearly and termly, at the terms foreſaid in all time comming. And at the deceaſe or dimiſſion of the ſaids Comptroller or tackſmen, that the new intrants ſhall become acted to the effect foreſaid of new, and that caution be founden by the ſaid Comptroller and tackſmen at the ſetting of the ſaids tacks to the effect foreſaid; otherwiſe the ſaids tacks to be null, and the nullitie thereof to be decided by way of exception or action at their pleaſure. And that Letters and executorials of Horning, ſimpliciter may be direct upon a ſimple charge of ten dayes againſt them, be deliverance of the ſaids Lords and Senatours of the Colledge of Juſtice, for payment of the foreſaid ſumme of ten

thouſand pounds yearly and termly, at the termes foreſaids: And His *Majeſty* and Eſtates foreſaids, decernes and ordains, that no Suſpenſion ſhall be granted for ſuſpending of the ſaids Letters, at the inſtance of whatſomever partie or perſon addebted in payment of the foreſaid ſumme in any time comming, for whatſomever cauſe or reaſon by the Lords of Parliament, nor by the Lords of Checker, or other Judges whatſomever, except upon conſignation of the ſummes, or upon production of ſufficient acquittances of payment of the ſummes wherewith they are charged. And that the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice, are and ſhall be only Judges ordinar for diſcuſſing of the ſaids Suſpenſions; diſcharging all others Judges whatſomever of all granting of Suſpenſions in any cauſe concerning the premiſſes, and diſcuſſing of the ſamin by any manner of way, and of their offices in that part for ever. And to the foreſaid diſpoſition and aſſignation of the foreſaid ſumme of ten thouſand pounds, to be payed yearly and termly forth of His Highnes Cuſtoms foreſaids, firſt, readieſt and beſt payment of the ſamin, to the ſaids ordinar Lords and Senatours of the ſaid Colledge of Juſtice, and their ſucceſſours foreſaids, perpetually in all time comming, as is above expreſſed. His *Majeſty* and Eſtates foreſaids of Parliament, hes interponed, and interpones their conſent and authoritie, as that deed which ſhall be now and in all times hereafter eſteemed and judged for the weall of our Soveraign Lord, and for the common weall of the Realm of *Scotland*. And His *Majeſty* for His Highnes and His Succeſſours promits *in verbo Principis*, never to impugne nor quarrel the ſamin, nor come in the contrar hereof directly nor indirectly in any time comming.

CHAP. XII.

Act anent patronage of forfaulted perſons.

OUR Soveraign Lord being moſt deſirous, that all the vaiking Kirks within His Kingdom may be planted with qualified and worthy men, and that theſe who are already provided to Benefices lawfully vaikand at the time of their proviſion, and who hes ordained decreet conform thereto, with lawful and peaceable poſſeſſion following thereupon, may be maintained therein. And ſpecially that the reſtitution of forfaulted perſons, pretending themſelves Patrons of Benefices, either by His *Majeſties* gracious favour, pardon or rehabilitation, or by reduction of their forfaulturs, ſhall not be an occaſion to ſubvert the eſtate of thoſe who obtained lawfull proviſion of any of the ſaids Benefices by preſentation, or gift of the Kings *Majeſty*, or others to whom His Highnes diſponed the right of Patronage thereof, during the forfaulture ſtanding of the other pretended Patron, whoſe crime could neither be any reaſon to make the vaikand Benefice not to be diſponed; neither ſhould his reſtitution or reduction be an occaſion to trouble the titular thereof, ſeeing the ſleuth or negligence of a lawfull Patron and faithful ſubject, not preſenting within ſix moneths to the Benefice vaikand whereof he is Patron, makes him at that time to amit his right of Patronage; which *Jure devoluto* falling to the Kirk, the perſon provided by them, hes undoubted right thereto during his lifetime. And therefore His *Majeſty* with the advice and conſent of the Eſtates of Parliament, ſtatutes and ordains, that all thoſe who are either already provided, or ſhall hereafter be provided by His *Majeſty* to any of the ſaid Benefices, whereof the Patronage is fallen to His Highnes, by forfaulture, or by any other to whom His *Majeſty* hes diſponed the right of Patronage of any ſuch Benefices, and by vertue thereof have obtained Letters conform to their proviſion, with lawfull and peaceable poſſeſſion of the fruits thereof by the ſpace of divers years, that all ſuch perſons ſhall be maintained in their ſaid right and poſſeſſion of the ſaids Benefices and fruits thereof, during their life-time. And ſhall no wayes be quarrelled, troubled nor moleſted by the ſaids forfaulted perſons, or their heires, ſucceſſours or poſteritie, being

being rehabilitated, reſtored, or their forefaulters reduced, nor by no other perſons having right diſpoſition or preſentation from them; but that the ſaid beneficed perſons during the ſaids forefalture, and by vertue thereof become in poſſeſſion of the ſaids Benefices in manner above-written; ſhal peaceably in joy, bruik and poſſeſs the ſamin Benefices, whole fruits, rents, rights, commodities and priviledges thereof, as freely, peaceably and righteouſly, as if the ſaids Patrons had never been forefaulted, and had lawfully preſented themſelves. But prejudice to the ſaids Patrons being reſtored, and their heirs and ſucceſſors to recover their right of Patronage of the ſaids Benefices, and to uſe and exerce the ſamin by due and tymous preſentation of able and qualified perſons to the ſaids Benefices whereof they are Patrons, whenſoever they ſhall vaik by dimiſsion or deceaſe of the preſent titulars, and no otherwiſe.

CHAP. XIII.

Act anent the Egyptians.

OUR Soveraign Lord and Eſtates of Parliament, Ratifies, approves, and perpetually confirmes the Act of Secret Councel made in the moneth of *June* or thereby 1603. years, and proclamation following thereupon. Commanding the vagabonds, ſorners, and common theeves, commonly called Egyptians, to paſs forth of this Kingdom, and remain perpetually forth thereof, and never to return within the ſamin, under the pain of death, and that the ſamin have force and execution after the firſt day of *Auguſt* next to come. After the which time if any of the ſaid vagabonds, called Egyptians, als well women as men, ſhall be found within this Kingdom, or any part thereof; It ſhall be leſom to all His *Majeſties* good Subjects, or any one of them, to cauſe take, apprehend, impriſon, and execute to death the ſaids Egyptians, either men or women, as common, notorious and condemned theeves, but an aſſyſe only to be tryed, that they are called, known, repute and holden Egyptians. In the which cauſe, whoſoever of the aſſyſe happens to cleanſe any of the aforeſaids perſons Egyptians pannelled, as ſaid is, ſhall be purſued, handled and cenſured as committers of wilfull error. And whoſoever ſhall at any time thereafter reſet, receive, ſupply or entertain any of the ſaids Egyptians either men or women, ſhall tyne their eſchete, and be warded at the Judges will. And that the Sheriffs and Magiſtrates in whoſe bounds they ſhall publickly and avowedly reſort and remain, be called before the Lords of His Highnes Secret Councel, and ſeverely cenſured and puniſhed for their negligence in execution of this Act. Diſcharging all Letters, Protections and warrands whatſomever, purchaſed by the ſaids Egyptians or any of them, from His *Majeſty* or Lords of Secret Councell, for their remaining within this Realm, as ſurreptitiouſly and deceitfully obtained by their knowledge. Annulling alſo all warrants purchaſed or hereafter to be purchaſed by any ſubject of whatſomever rank within this Kingdom for their reſet, entertaining or doing any manner of favor to the ſaids Egyptians at any time after the ſaid firſt day of *Auguſt* next to come for now and ever.

CHAP. XIV.

Ratification given by the King to the Secret Councel to receive Reſignation.

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ratifies and approves the Commiſſion given by His *Majeſty* upon the fourth day of *April*, 1603. years, to the Lords of His *Majeſties* Secret Councell, to receive Reſignations of land holden by His *Majeſty*, and give infeftments thereupon. And decerns and declares all and whatſomever Reſignations made

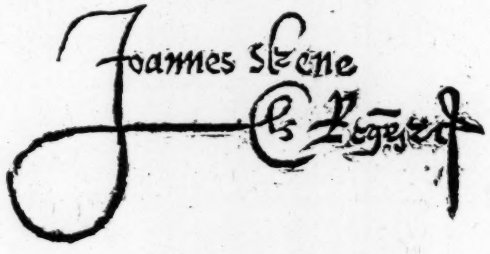
ſince the date of the ſaid Commiſſion conform thereto, in the hands of the Lords of His Highnes Privy Councell, and all infeftments proceeding thereupon, orderly paſt His Highnes Caſchet, Regiſters, and ordinar Seals, together with all Confirmations granted by His *Majeſties* ordinar Officers, of Infeftments of any lands pertaining to His *Majeſties* faithfull Subjects; which confirmations are likewiſe orderly paſt His *Majeſties* Caſchet, and remanent Seals, and ordinar Regiſters, together with all and ſundry infeftments and confirmations to be hereafter paſt and exped upon the like Reſignations in the hands of the Lords of His *Majeſties* Secret Councel, and orderly exped through His *Majeſties* Seals and Regiſters, to have been, and to be now and in all time coming, als lawfull, valide and ſufficient in judgement and out-with, as if the ſaids Reſignations had been made in His Highnes own hands, and had been received by His Highnes, and as if the ſignatours of the infeftments following thereupon, and of the ſaids confirmations had been ſigned and ſubſcrived with His own Royal hand.

CHAP. XV.

Act ordaining Letters of Horning to be direct upon Admirals decreets.

FOraſmuch as by Act of Parliament made at *Perth*, in the moneth of *July* 1606. It was then ſtatute and ordained in all time coming, that all decreets given by Sheriffs, Commiſſars, Bailies of Regalities, Bailies of Bailieries and Stewartries ſhould paſs and have execution of Horning upon ten dayes warning, as at more length is contained in the ſaid Act, wherein there was the time of the paſſing therein omitted and not expreſſed thereins the decreets to be given by the great Admiral of this Realm, and his Deputs, which being a Soveraign Judicatory in it ſelf, and of its own nature importing ſummar execution: Our Soveraign Lord and Eſtates preſently conveened, in conſideration that the inſufficiency, corruption and defects which were in the Deputes, and members of theſe Courts in former times, and whereby theſe Judicatories were thought not worthie of that favor, is now helped and well amended by the planting of able, worthie and ſufficient men in their places, have enacted, ſtatute, and ordained, that ſuch like execution of Horning paſs upon all decreets to be given before the ſaid great Admiral and his Deputes in time coming, as upon any the ſaids Sheriffs, Commiſſars, or other inferior Judges decreets, conform to the ſaid Act of Parliament made thereanent of before.

Collected, viſied and extracted forth of the Books and Regiſter of the Acts of Parliament, by me Sir JOHN SKENE *of* Curre-hill *Knight, Clerk of Hu* Majeſties *Councel, Regiſter and Rolls, under my ſigne and ſubſcription manual.*



A Table of the particular Acts and others, past in the XX. Parliament, holden at *Edinburgh*, the twenty fourth day of *June*, 1609. not Imprinted.

1 *The forfalture of the Lord* Maxwell.
2 *The forfaulture of the Laird of* Reſtalrig.
3 *Act for uniting certain Kirks in* Annandail.
4 *Act anent the Caſtle of* Annand.
5 *Act anent the Kirk of* Leith.
6 *Act anent the Kirk of* Carmylie.
7 *Act in favours of the Univerſity of* S. Andrews.
8 *Ratification of the infeftment of* Broxmouth *to the Earl of* Dumbar.
9 *Act in favours of the Lord* Scoon *of the intromiſſion with the Kings Rent &c.*
10 *Ratification in favours of* James Maxwell *anent the lands holden by him of the Lord* Maxwell.
11 *Act in favours of* James Maxwell *anent the debaitable Lands.*
12 *Ratification in favours of* John Murray *of* Drumdranane.
13 *Act in favours of the Laird of* Lugton *anent* Saint Leonards *Hoſpital.*
14 *Ratification of a penſion to the Lord* Whittinghame.
15 *Ratification of a penſion to* William Elphingſtons *Bairns.*
16 *Annexation of the Abbacie of* Ferne *to the Biſhoprick of* Roſs.
17 *Ratification of* Kintor *to the Earl* Marſhell.
18 *Act in favours of the Earl of* Argyle *anent* Balrynnes.
19 *Act in favours of Maſter* John Laing *anent the Signet.*
20 *Diſcharge of the Few-duties of* Murdocarnie *to Sir* Robert Malveil.
21 *Act in favours of* Archibald Johnſton, *Sir* John Arnot *and* Andrew Logan.
22 *Erection of* Kilwinning.
23 *Erection of* Melroſs.
24 *Act in favours of the Earl of* Morton.
25 *Act in favours of the Lord* Lowdon *anent* Killiſmure.
26 *Erection of* Cauldſtene *to Sir* John Ker.
27 *Erection of* Eckles *to Sir* George Home.
28 *Erection of* Holywood *to* Closburne.
29 *Erection of* Saint Colme *to the Lord* Saint Colme.
30 *Ratification of the infeftment of* Byres *to the Lord Advocat.*
31 *Ratification of* Cock-pules *infeftment.*
32 *Ratification of* North-Berwick *infeftment.*
33 *Ratification of the Lord* Kinloſs *his infeftment.*
34 *Ratification to* Gawen Hammilton *of lands within* Kilwinning.
35 *Ratification to* James Liddell *of his infeftment.*
36 *Ratification in favours of the Lord* Sanquhare.
37 *Act anent the aboliſhing the Secretars Regiſter.*
38 *Act anent the reſtitution of* David Hammilton *of* Bothwel-haugh.
39 *Act in favours of the Lord* Maxwels *vaſſels.*
40 *A ſubmiſſion betwixt the Biſhop of* Saint Andrewes *and the Lord Advocat in the Kings Name.*
41 *Ratification of the Laird of* Spot *his infeftment.*
42 *Act in favours of the town of* Perth *for bigging of their Bridge.*
43 *Reſtitution of the Laird of* Niddrie.
44 *Commiſſion for raviſhing of women.*

FINIS.

A Table of the principal matters contained in the xvi. Parliament, and others Parliaments following.

A

Admirall his decreets ſhould receive the execution of Horning in ſuch form as the decreets given by Sheriffs and others. Jac. 6. par. 20. c. 15.

Annexation made 1587. years, ſo far as extends to the prejudice of Biſhops, and of common Kirks diſmembred from the Biſhopricks, and of thirds ſeparated from the ſamin, is retreated and reſcinded. Jac. 6. parl. 18. c. 2.

Annexation of the Earldom of Gowrie, Ruthven, and the Abbacie of Scoon, &c. to the Crown. Jac. 6. p. 16. c. 2.

Archbiſhops, vid. Biſhops.

B

Barons ſhould recive, keep and anſwer for pledges of the Border. Jac. 6. p. 16. c. 28.

Barons, Noblemen and others who directs their ſons forth of this Realm with a Pedagogue, not having teſtimonial of the Biſhop of the Diocy, are puniſhed by certain pecunial penalties. Ja. 6. p. 20. c. 1.

Bees ſtealers are puniſhed. Jac. 6. p. 19. c. 3.

Beggers and puniſhment of them. Vid. Kirk.

Benefices and diſpoſition thereof. Vid. King.

Biſhops may quietly bruik and poſſeſs the honors, dignities, priviledges, prerogatives and benefices competent to them ſince the Reformation of Religion, &c. Jac. 6. p. 18. c. 2.

Biſhops ſhould entertain the Miniſters ſerving at the cure of the kirks of their Biſhopricks. Ja. 6. p. 10. c. 2.

Biſhops ſhall renew infeftments, confirmacions and tacks to the poſſeſſions of lands and teinds of Biſhopricks. Jac. 6. p. 18. c. 2.

Biſhops may not give any penſion to endure longer time nor the Biſhop ſhall bruik the Biſhoprick. Biſhops may not delapidate their Benefices. Biſhops may not ſet in few, tack or make any diſpoſition without conſent of the chapter. Jac. 6. p. 18. c. 3.

Biſhops and Archbiſhops may ſet as many tacks long or ſhort as they pleaſe. Jac. 6. p. 18. c. 3. All Biſhops ſhould make and give in to the Clerk of Regiſter and his Deputs a ſufficient Rentall of their Biſhopricks under the pain of a thouſand marks. Jac. 6. parl. 18. c. 3.

Biſhops of the Diocy ſhould give their teſtimonial to all Pedagogues paſſing forth of this Realm with any Noble-mans ſon. Jac. 6. parl. 23. c. 1.

Archbiſhops and Biſhops ſhall give a Roll yearly of excommunicat perſons for Religion within his Diocy to the Theſaurer, Comptroller, Collector and director of the Chancellary. Jac. 6. parl. 20. c. 4. Archbiſhops and Biſhops are reſtored to their former authority and juriſdiction. Jac. 6. p. 20. c. 6. Archbiſhops and Biſhops have power of confirmation of Teſtaments within their own bounds Iac. 6. p. 20. c. 9.

Blench-duties of lands holden of the King ſhould be payed to him by his vaſſals conform to the infeftments of the ſamin be asked alanerly. Ja. 6. p. 18. c. 14.

Broom ſhould not be cutted. Iac. 6. par. 19. c. 3.

Burrows Regals, their freedoms and liberties ratified and confirmed. Ja. 6. p. 18. c. 16. Ia. 6. p. 19. c. 5

Burrows and Inhabitants thereof may not convocat nor aſſemble themſelves together without licence of Proveſt and Bailies. Iac. 6. parl. 18. c. 17. Magiſtrates ſuch as Proveſt and Bailies, or others within Burgh, ſhall be merchants and actuall traffickers inhabiting within the Burgh, and no others: Iac. 6. p. 20. c. 8. Inhabitants of Burrows ſhould aſſiſt the Magiſtrats and Officers for ſetling of tumults: Ia. 6. p. 18. c. 17. Unfreemen within Burgh, not being Burgeſſes, ſhould not uſe traffick of merchandiſe. Iac. 6 p. 18. c. 6.

Bullyon ſhould be brought home according to the ordinance of Secret Councel. Iac. 6. p. 16. c. 9.

C

Caſtle of Saint Andrews is excepted forth of the act anent the reſtitutiō of Biſhops. Ja. 6. p. 18. c. 2

Chapter of Archbiſhop of Saint Andrews conſiſts in ſeven perſons. Iac. 6. p. 18. c. 3. Iac. 6. p. 19. c. 8.

Clerk of Regiſter ſhall make by himſelf or his Deputes, the Regiſter of all Sheriff-Clerks, which they ſhould preſent to him to that effect. Ia. 6. p. 16. c. 21.

Clerk of Regiſter and his deputes ſhould receive from all Archbiſhops & Biſhops a ſufficient rentall of the patrimonie of ilk Biſhoprick. Iac. 6. p. 18. c. 3.

Coalyers, Coal-bearers and Salters ſhall not be conduced or hyred without a teſtimoniall of their maſter whom they laſt ſerved. Iac. 6. p. 18. c. 11.

Commiſſion anent the Union of the two Realms. Iac. 6. parl. 17. c. 1.

Commiſſaries of Edinburgh and others ſhould be nominat by Archbiſhops and Biſhops, and ſhould be Iudges in all Spirituall and Eccleſiaſticall cauſes. Iac. 6. p. 20. c. 6. The Commiſſaries of Edinburgh ſhould decide in all cauſes of divorcements, and have power of reduction of decreets given by inferior Commiſſars, Iac. 6. p. 20. c. 6. The Commiſſares preſently in office, their Clerks and others members of Court having a teſtimoniall of their qualification from the Lords of Seſſion, and having new preſentation, ſhall bruik their offices, Iac. 6. parl. 20. c. 6.

Common Kirks of Biſhopricks and their Chapters of old, &c. Iac. 6. p. 18. c. 2.

Craftſmen & the conduction of them. Ia. 6. p. 18. c. 6.

Cuſtomers ſhall cauſe make a ſeal to be appended to every wob, cloath, ſilk and ſtuff, brought within this Realm before the ſamin be preſented to the market. Iac. 6. p. 16. c. 15.

Cuſtoms between *Scotland* and *England*. Ia. 6. p. 18. c. 6. Uncuſtomed goods ſhould not be tranſported forth of this Realm, nor in-brought within the ſamin, under the pain of eſcheat thereof, and all other moveable goods, Jac. 6. p. 16. c. 15.

D

Decreets of ejection and removing given againſt indwellers on the Borders, twenty years before the Kings *Majeſties* ſucceſſion to the Crown of *England*, and execution thereof. Ia. 6. p. 18. c. 9. Letters of Horning to be direct upon all decreets of Burrows, given at their convention betwixt Burgh and Burgh, and Burgeſſes of free Burrows. Iac. 6. p. 19. c. 6. Execution of decreets given by Sheriffs, Stewarts and Bailies, may be by letters of horning. Ia. 6. p. 18. c. 10. And ſiclike letters of horning ſhould be granted for execution of decreets given

ven by the Admiral and his deputs. Ja:6. p.29. c.15

Deadly feads ſhould be removed by the ſecret Councel. Jac: 6. p.16. c.22. Jac: 6. parl.20, c.7.

Director of the Chancellary ſhall give out no Brieves, receive no Retours, nor direct no Precepts upon Retours, nor upon compryſing in favours of any excommunicat perſons given to him in Roll by the Biſhops. Jac:6. p.20. c.4.

Diſſolution of all lands and bounds whereupon any of the Kings old demoliſhed unhabitable Caſtles and Forths were ſituate, and of all Coal-heughs within the bounds of the Kings annexed property Jac:6. p.16. c.8.

Diſſolution of the lands of Huntingtour, Strathbrane, and others, &c. Jac.6.p.18. c.18

Diſſolution of all and whole the hils of the Lowmonds, and Mure of Falkland. Jac:6. p.18. c.19.

Dowcat breakers are puniſhed by the arbitrie of the judge. Jac:6. p.19. c.3.

E.

Egyptians ſhould be puniſhed to death. Ja:6.p.20. c.12.

Englands, malicious and ſlanderous ſpeeches or writers againſt England ſhall be ſeverely puniſhed. Ja.6. 20. c.9.

Excommunicat perſons ſhall not directly nor indirectly enjoy the poſſeſſion of their lands or rents, but the ſamin does appertain to the King. Jac: 6. p.20. c.3. A Roll of excommuniceat perſons for Religion ſhall be given up by the Biſhops once every year to the Thesaurer, Comptroller, Collector and Director of the Chancellary, &c. Iac:6.p.20.c.3. Brieves and Precepts of *Clare conſtat*, and entreſſe upon compriſings may be refuſed to perſons excommunicat for Religion. Jac:6. p.20. c.4.

F.

False weights and meaſures, the uſers thereof tyns and amits their whole goods and gear, Jac: 6. p.19. c.2.

Few-ferme of Lands holden by ſervice of *Waird* and *Relief*, ſet by vaſſals without conſent of their ſuperiours, is null. Iac: 6. p.18. c.12.

Fences or Cloſures ſhould not be broken down to paſture within the ſamin. Iac:6. p.19. c.3. If any perſon being forfaulted, and his lands or poſſeſſions are diſponed to any Donator, the extract of the diſpoſition or confirmation made to him who is forfaulted, extract forth of the Regiſter, is ſufficient title and right to the Donator. Iac: 6.p.18. c.4.

Forbidden goods ſhould not be tranſported forth of the Realm, nor in brought within the ſamin, under the ſamin of eſcheat of all moveable goods. Iac: 6. p.16.c.15.

Fiſhes ſhould not be ſtollen in Stanks and Loths. Iac: 6. p.19. c.3

Fugitive perſons of the Borders, and broken men, ſhould be inrolled by the Kings great Commiſſioner, Iac:6. p.20.c.10.

G.

Gleibs at Kirks where there are no arable lands adjacent thereto, ſhall be deſigned 4. ſoumes grais, for ilk aiker of 4. aikers of the moſt commodious paſturage of any Kirk lands. Ia:6.p.18.c.7

Graſſe ſhould not be ſhorn within Broome, Woods, Fences or Cloſures. Iac.6. p.19. c.3.

H.

Bearers and wearers upon their perſons or in their companies of *Hagbuts* and Piſtolets, and other ingynes of fire-wark, may be purſued criminally, or before the Lords of Secret Counsel. Ia:6. p.16. c.6.

Holy-day is ordained to be keeped yearly the fifth day of Auguſt, Iac:6. p.16. c.1

Herring ſhould not be packed, peilled, ſalted, barrelled, or tranſported forth of the Realm before Michaelmas yearly. Ia:6. p.16. c.20

Horning and Regiſtration thereof, Vid. Regiſtration, Vid. decreets and execution thereof. Letters of Horning ſhould not be direct againſt any perſons dwelling be-North the water of Dee upon a ſhorter ſpace nor 15. dayes. Iac.6.p.16.c.25. Letters of Horning ſhall be direct upon all acts and ſentences of Sheriffs, Stewarts, and Bailies of Royalitie and Regalitie, and of Proveſts and Bailies within Burgh; Ia:6.p.18. c.10. And ſuchlike Letters of Horning upon all decreets given by Burrows, at their Conventions berwixt Burgh and Burgh, and Burgeſſes of free Burrowes, Ia: 6. p.19. c.6. And likewiſe upon Admirals decreets. Ia.6.p.20.c.15.

I.

Jeſuits & other enemies of the Religion. Vid. Relig.

Judges Civil and Eccleſiaſtical ſhall keep and obſerve the fifth day of Auguſt as Holy-day. Jac.6.p.16. c.1.

Juſticiars and Commiſſioners of Peace are ordained with their power. Jac.6.p.20.c.7

K.

The Kings prerogative and priviledge of his Crown over all Eſtates, perſons and cauſes whatſomever within this Kingdom. Ia.6. p.18. c.1: p.20. c.6.

King ratifies and confirms all erections, infeftments, patronages, tacks, &c. of all Benefices which are not of cure, given and diſponed by His Majeſty, &c. Iac.6.p.18.c.2. The apparel of Judges, Lords of Seſſion, and of Kirkmen, is referred to the King. Ia.6 p.20. c.8. Whoſoever purſues or invades any of the Kings Seſſion, Secret Councel, or any His Highnes Officers for doing of His Majeſties ſervice, ſhall be puniſhed to the death. Ia.6.p.16.c.4. No perſon ſhall invade or purſue an other within a mile to the place of the Kings Majeſties reſidence and remaining for the time. And ſuchlike no perſon ſhall reſort and repair within the Kings Palaces, or any part of His Highnes reſidence, armed with tacks, ſecrets, &c. Ia.6. p.16.c.26. The Kings Officers and their ſloth and negligence in purſuing or defending his actions and cauſes, may be helped and ſupplied by their ſucceſſours. Iac.6. p.16.c.14.

Kirk and libertie thereof is ratified and confirmed. Ia.6.p.16.c.16. The Seſſion of the Kirk ſhould puniſh ſtrong and Idle Beggers, under the pain of twenty pounds. Iac.6. p.16.c.19.

L.

Licence granted by the King for bearing, and wearing of Hagbuts, Piſtolets, and other Engines of fire-wark are diſcharged, and ſuch Licences may be granted in time comming by the King and His Secret Councel, Ia.6. p.16.c.6

Licence for tranſporting of Herring before Michaelmas ſhould not be granted, but with conſent of the Councel ſitting, and under the ſeals. Ia.6.p.16.c.10

Lint being green, ſhould not be laid in Lochs and running burns, under the pain of fourtie ſhillings. Iac.6 p.18.c.13.

M.

Marriage of any perſon divorced for adultery for his own crime and fact of adultery with the other perſon with whom they have committed the crime of adultery, is null and unlawful, and the children gotten in the ſaid marriage are unlawfull to ſucceed. Iac.6. p.16.c.20.

Meaſures.

Measures. Vid. Weights.

Massefyers, and wilfull hearers thereof, and their reſetters are puniſhed. J. 6. par. 19. c. 1. p. 20. c. 5.

Miniſters ſerving at the cure of the Kirk, ſhould be ſuſteined by the Biſhops. Ja. 6. p. 18. c. 3.

Miniſters lawfully provided to comon Kirks perteining of old to Biſhopricks and their chapters, ſhal poſſeſs the ſame during their lifetimes. Ja. 6. p. 18. c. 2

Money, ſic as gold and ſilver, ſhould not be altered in fyneneſs nor price. J. 6. p. 16. c. 9.

N

Non-communicants. Vid. Religion.

P

Patronage of Kirks perteining to Biſhopricks diſponed by the lawfull titulars and the King, and not confirmed in Parliament, is of nane avail. Jac. 6. p. 18. c. 2.

Park-dykes ſhould not be broken down to paſture within the ſamine. Ja. 6. p. 19. c. 3.

Patronage of benefices alledged perteining to perſons forfaulted, and thereafter reſtored, &c. Ja. 6. p. 20. c. 12

Pedagogues paſſing forth of this Realm with Noble-mens ſons, ſhould have a teſtimoniall of their qualification and Religion. Ja. 6. parl. 20. c. 2

Piſtolers. Vid. Hagbuts.

Pledges ſhould be received by the Nobilitie and Barons to be keeped by them, wha ſhal be anſwerable for them that they eſcape not. Ja. 6. p. 16. c. 28.

Purpriſion is committed by them wha labours, manures, ſawes parks, incloſes or appropriats any part of the Kings common Mures or other Commonties perteining to him. Jac. 6. p. 16. c. 5.

R

Regiſtration of Letters of Horning, relaxations, inhibitions before an Notar and witneſſes is diſcharged, but the ſamin ſhould be regiſtrat in the Sheriffs, Baillies or Stewarts books by the Clerks thereof, or by the Clerk of Regiſter, or his deputes in the Books of Councel. Ja. 6. p. 16. c. 13.

Religion preſently profeſſed within this Realm ſhould be imbraced by all ſubjects, and them wha abſteins from receiving of the Communion and Lords ſupper, are puniſhed by divers pecunial pains. Jac. 6. p. 16. c. 17. All Judges, members of Court, Officiars whatſomever, ſhould profeſſe the true Religion, Jac. 6. p. 20, c. 5. Barons and other Noble-men, if their ſons in other countreyes become Papiſts, and haunts Idolatrie, their parents ſhall not furniſh them with any thing neceſſar. Iac. 6. p. 20. c. 2.

Rentall of Biſhopricks conſiſting in victual or ſilver, ſhould not be diminiſhed. Ia. 6. p. 16. c. 3.

Reſtitution by way of grace of forfaulted perſons ſhall not prejudge any third perſon having diſpoſition made to him by the King of any land or poſſeſſion whilk perteined to the perſon forfaulted. Ia. 6. p. 18. c. 4. Ieſuits, Seminarie Prieſts, excommunicate and trafficking Papiſts ſhould be apprehended and put in ward, and the reſetters of them are puniſhed by pecunial pains. Iac. 6. p. 16. c. 18. Iac. 6. p. 20. c. 5. They and their reſetters ſhould be called & tryed before Arch-Biſhops and Biſhops. Ja. 6. p. 20. c. 5.

Reſetters willfully of excommunicat Papiſts wha are at the Horn for the ſamine cauſe, are puniſhed by pecunial penalties. Ia. 6. p. 19 c. 1.

Reſutters of Egyptians ſhall be warded and dryne their eſcheat. Iac. 6. par. 20. c. 13.

Reſignation made in the hands of the Lords of Privie Councel, are lawfull, valide, and ſufficient. Iac. 6. p. 20. c. 14.

S

Salmond, Kipper, Smolts and black fiſh may not be taken in the waters of Tweed or Annand under the pain of theft. I. 6. p. 18. c. 5. Vid. ſlayers. &c.

Slayers of Salmond in forbidden time, or of Kipper, Smolts, or ſic black fiſh at any time, ſhould be puniſhed as the cryme of theft. Iac. 6. p. 16. c. 11.

Salters may not be hired without teſtimonial of their maſters whom they laſt ſerved. Iac. 6. p. 18. c. 11.

Seiſings whilk are given by vertue of precepts that paſſes upon retours forth of the Chancellarie, ſhall be given by the Sheriffs of the Shires, Baillie or Stewarts where the lands lyes, their deputes and Clerk. Ia. 6. p. 18. c. 15.

Seſſion and Lords thereof are the Kings great Conſiſtorie, and hes power to reduce decreets given by the Commiſſars of Edinburgh. Iac. 6 parl. 20 c. 6. The Lords hes power to advocate to themſeves any cauſe from any Commiſſars. Iac. 6. p. 20. c. 6. The Lords of Councel and Seſſion hes diſponed to them by the King, ten thouſand pounds of the Cuſtomes, to be payed to them at Whitſonday and Martimas yearly. Iac. 6. p. 20. c. 11.

Sheriffs of the Mernes ſhall ſit and hald their Courts at the Stanehyve. Iac. 6. p. 16. c. 27. p. 19. c. 7.

Sheriffs and all other Magiſtrats in whoſe bounds Egyptians remains, publickly ſhould be puniſhed. Iac. 6. parl. 20. cap. 13.

Sheriff clerks in all regiſtrations and other letters and extracts given forth by them, ſhall contein the leaf of their book wherein the ſamine is regiſtrat. Iac. 6. parl. 16. c. 21.

Singular combats are forbidden under the paine of death, and eſcheat of all their moveable goods. Iac. 6 p. 16 c. 12.

T

Tacks and aſſedations of teinds may be ſet by any beneficed perſon. Iac. 6 p. 18. c. 3.

Teinding of corn ſal be at 3 ſeveral times yearly, if the owners of the corns ſal think it expedeint. I. 6. p. 18. c. 8

Theſaurer ſould receive na reſignations, nor grant confirmations nor infeftments to excõmunicat perſons given to him in Rol by the Biſhop. Iac. 6. p. 20. c. 4.

Trees ſhould not be cutted by any perſons. Iac. 6. p. 19. c. 3.

V

Vaſſals of any Earl, Lord, Baron, Prelat, or any free halder, halding their lands by ſervice of ward and relief, may not ſet the ſamine in few-ferm, without conſent of their ſuperiour. Iac. 6. p. 18. c. 12.

Vaſſals to Iohn, ſometime Earl Gowrie, ſhould bruike and poſſeſs all their lands, heritages, &c. notwithſtanding the proceſſe of forfaulture led and deduced againſt him. Iac. 6. p. 16. c. 3.

Weights, mets & meaſurs ſould be in an univerſal comformity throughout the hail Realm. Ia. 6. p. 19. c. 2.

Woods wha breaks down the ſamine perteining to his neighbour to paſture within the ſamine, is puniſhed. Ia. 6. p. 19. c. 3.

Uſurie and ocker may be proven by the oath of him wha receives the unlawfull ſummes, or by the witneſſes inſert in the ſecuritie. Ia. 6. p. 16. c. 7.

Wild-beaſts and fowls ſhould not be bought and ſold under the pain of 100 pounds, nor yet ſhould not be ſlain by girn, net, nor hagbut under the ſamine pain. *Item*, Moorpouts ſhould not be ſlain nor eaten before the third day of July, nor Partridg pouts before the eight day of September. Ia. 6. p. 16. c. 13.

FINIS.

THE

TVVENTY ONE PARLIAMENT,

Of our moſt High and Dread Soveraign,

JAMES

By the Grace of God, King of Scotland, England, France, *and* Ireland, *Defender of the Faith, &c.*

Holden at *Edinburgh*, the twenty third day of *October*, 1612.

By the Noble and Potent Lord Alexander Earl of *Dumfermling*, Lord *Fyvie* and *Urquhart*, great Chancellor of Scotland, &c. Commiſſioner appointed for holding of the ſaid Parliament, By vertue of His *Majeſties* Commiſſion granted to him under the great Seal of this Kingdom, with the ſpecial advice, conſent and aſſent of the Eſtates of this Realm.

CHAP. I.

A Ratification of the Acts and Concluſions, ſet down and agreed upon in the General Aſſembly of the Kirk, keeped in Glaſgow *in the moneth of* June 1610. *Together with an explanation made by the Eſtates of ſome of the Articles of the ſame.*

FOrſameikle as in the Parliament holden at *Edinburgh*, in the year of GOD 1597. The Eſtates of this Kingdom remitted to His *Majeſty* to conſult and agree with the Generall Aſſembly of the Kirk, upon the authority and power which the Archbiſhops and Biſhops ſhould have in the Policy and Diſcipline of the Kirk. Where-anent after that His *Majeſty* and His Commiſsioners had many times moſt ſeriouſly conferred and adviſed with the Miniſtrie. At laſt concluſion was taken in the Generall Aſſembly holden at *Glaſgow* in the moneth of *June* 1610. years. Determining all the doubtful and contraverted points,

concerning the jurisdiction, policie, and discipline foresaid, with full and uniform consent of a very frequent number of godly Ministers, assisted by the Counsel and concurrence of a great many of best affected Nobilitie, Barons, and Commissioners of Burrows of this Kingdom, in manner, substance and effect following: with the explanation made by the Estates of Parliament presently conveened, of some of these articles resolved upon in the foresaid Assembly of *Glasgow*.

In the first the foresaid Assembly acknowledgeth the Indiction of the Generall Assembly of the Kirk to appertain to his *Majesty*, by the prerogative of His Royall Crown.

And farther Ordaineth, that the Bishops shall be Moderators in every Diocesian Synode. And the Synode shall hald twise in the year of the Kirks of every Diocie; *viz.* in April, and October: And where the Dioceses are large, that there be two or three Synodes in convenient places for ease of the Ministery. And in case the Bishop of the Diocie be absent upon any necessar occasion, in that case his place shall be supplyed by sic ane worthy Minister (bearing charge within the bounds) as the Arch-bishop or Bishop shall appoint.

That no sentence of Excommunication or absolution thereof be pronounced against or in favours of any person, without the knowledge and approbation of the Bishop of the Diocie, who must be answerable to GOD and His *Majesty* for all formall and unpartiall proceeding therein: And the processe being found formall, the sentence to be pronounced at the direction of the Bishop, by the Minister of the Paroch where the offender dwels, and the processe began.

That all presentations to Benefices be directed hereafter to the Archbishop or Bishop of the Diocie, within the which the Benefice vacant by dimission, deprivation, decease, or otherwayes lyeth. With power also to the Arch-bishop or Bishop to dispone and confer sic Benefices as falls in his Diocie (*Jure devoluto.*) Provyding alwayes incase any Archbishop or Bishop, should refuse to admit any qualified Minister, (acceping the presentation granted to him, and who hath been once received and admitted to the function of the Ministerie, being then still undepryved) presented to them by the Patron; In the case of any sic refuse, it shall be lawfull to the Patron to retein the whole fruits of the said Benefice in his own hands: And either he or the Paroch wanting a Pastor, by reason of the not planting of the Kirk, (Incase the refusall thereof come by the Bishop) may complain thereof to his Arch-bishop, and if either the Arch-bishop be the refuser, or els doth not give due redresse being complained unto; In that case the Lords of His *Majesties* Privie Councell upon the parties complaint of the refuse, and no sufficient reason being given for the same, shall direct Letters of horning, charging the Ordinary to do his dutie in the receiving and admitting of sic a person as the said Patron hath presented. It is alwayes Declared, that if any Arch-bishop or Bishop shall deprehend any sic person as is presented to him to have come within compasse of a Simoniacall paction with his Patron, in so far as he hath either already hurt, or promised and bound himself to prejudge and hurt the state of his Benefice, in not reserving a sufficient maintenance for him and his successours answerable to the Estate of his Benefice: And that the Bishop or Arch-bishop shall understand the same either by the parties oath, or other clear proof and evidence; In that case they may lawfully refuse any sic person presented unto them. But if the party who is presented hath reserved to himself and his successours a sufficient maintenance, the setting of tacks, or promise to do the same, or doing of any thing els to his Patron (being not prejudiciall to that aforesaid maintenance) shall no wayes be ascryved to any Simoniacall paction, nor shall not serve for any reason to the Arch-bishop or Bishop to refuse him. And incase any sic contraversie or question shall occurre betwixt the Patron, the person presented, and the Arch-bishop or Bishop: It is declared, that the Lords of Councell and Session shall be Judges thereunto, to decide upon the said Simoniacall paction and quality of the same,

if

if any ſuch thing ſhall be objected againſt the party preſented.

In depoſition of the Miniſters, the Biſhop aſſociating to himſelf the Miniſtery of theſe bounds where the delinquent ſerved, he is there to take tryall of the fact, and upon juſt cauſe found to depryve: And the like order to be obſerved in ſuſpenſion of Miniſters from the exerciſe of the function.

That every Miniſter in his admiſſion ſhall ſwear obedience to His *Majeſty*, and to his Ordinar, according to this form following: I *A. B.* now nominat and admitted to the Kirk of *D.* Teſtifie and declare in my conſcience, That the *Right Excellent, Right High* and *Mighty Prince*, JAMES the Sext by the grace of GOD, King of *Scotland, England, France* and *Ireland, defender of the Faith*, &c. is the only lawfull Supreme Governour of this Realme, alſwell in matters Spirituall and Eccleſiaſticall, as in things Temporall: And that no forreigne Prince, State, nor Potentate, hes or ought to have any juriſdiction, power, ſuperioritie, preeminence or authority, Eccleſiaſticall or Spirituall, within this Realme. And therefore I utterly renounce and forſake all forreigne juriſdiction, power, ſuperiorities and authorities. And promiſe that from this forth I ſhall and will bear faith and true alledgeance to his Highnes, his Heires and lawfull Succeſſours. And to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preeminences, and authorities granted and belonging to his Highnes, his Heires and lawfull Succeſſours, Or united and annexed to his Royall Crown. And further I acknawledge and confeſſe to have and to hold the ſaid *C.* and poſſeſſion of the ſame under GOD, of His *Majeſty*, and his Crown Royall of this Realme: and for the ſaids poſſeſſions, I do homage preſently to his Highnes in your preſence, and to His *Majeſty* his Heires and lawfull Succeſſours ſhall be true. *So help me God.* And als, that every Miniſter in his admiſſion ſhall ſwear obedience to his Ordinar, according to this forme following: I *A.B.* now admitted to the Kirk of *C.* promiſes and ſweares to *E.F.* Biſhop of that Diocie, obedience, and to his Succeſſours in all lawfull things. *So help me God.*

And if the ſaid Benefice be at the preſentation of an Laick Patron, the perſon preſented ſhall give his oath as followes: I *G.H.* now admitted to the foreſaid Benefice. Teſtifie and declare in my conſcience, That the *Right Excellent, Right High* and *Mighty Prince*, JAMES the Sext, by the grace of GOD, King of *Scotland, England, France*, and *Ireland, Defender of the Faith*, &c. is the onely lawfull Supreme Governour of this Realme, alſwell in matters Spirituall and Eccleſiaſtick, as in things Temporall. And that na forreigne Prince, State, nor Potentate, hes or ought to have any juriſdiction, power, ſuperioritie, preeminence, or authoritie Eccleſiaſticall or Spirituall, within this Realme. And therefore I utterly renounce and forſake all forreigne juriſdiction, power, ſuperiorities and authorities. And promiſes that from this forth I ſhall and will bear faith and true alledgeance to his Highnes, his Heires and lawfull Succeſſours. And to my power ſhall aſſiſt and defend all juriſdictions, priviledges, preeminences, and authorities granted and belonging to his Highnes, his Heires or lawfull ſucceſſours, or united and annexed to his Royall Crown. And I do acknawledge and confeſſe to have and hald the ſaid Benefice and poſſeſſions of the ſame, under GOD, by His *Majeſty*, of *E.F.* lawfull Patron of the ſame.

That the viſitation of ilk Diocie be done by the Biſhop himſelf: and if the bounds be greater then he can over-take, that then he make ſpecial choiſe of ſome worthy man of the Miniſtery within the Diocie, to viſit in his place: And what ever Miniſter without juſt cauſe or lawfull excuſe made, ſhall abſent himſelf from the Viſitation, or the Dioceſian Aſſembly, he ſhall be ſuſpended from his Office and Benefice: and if he amend not, he ſhall be depryved.

That the Coventions of Miniſters for exerciſe, ſhall be moderated by the Biſhop, being preſent; and in his abſence, by any other Miniſter whom he ſhall appoint at the Synode.

Which Acts, Ordinances, Declarations, and determinations above-written, His *Majeſty* finding to be very agreeable to the true Religion profeſſed within this Kingdom, and to the godly and decent government of the Kirk, Miniſterie, and whole Members thereof. Therefore His Highnes, with advice and conſent of the Eſtates of Parliament, Ratifies, approves and confirms all and ſundry the premiſſes, and ordains them and every one of them, to be obeyed and obſerved by all His Highnes ſubjects, as inviolable Laws in all time comming. Annulling and reſcinding the 114. Act of His *Majeſties* Parliament holden in Anno 1592. And all and whatſomever others Acts of Parliament, Laws, Ordinances, Conſtitutions, Sentences and Cuſtoms, in ſo far as they or any of them, or any part of the ſame are contrare or derogatorie to any of the articles above-written: als eſſentially and effectually in all reſpects, as if the ſaids Acts and conſuetudes hereby abrogate, were at length herein expreſt.

CHAP. II.

An Act for remanding back to His Majeſties *Officers of Juſtice in* England *of offenders in ſome particular crimes in the Act mentioned, who after the committing the offence in* England, *ſhall be thereupon fugitive, and remaine in this Kingdom.*

OUR Soveraign Lord and Eſtates of Parliament, conſidering that albeit the good effects of His *Majeſties* careful providence, to repreſſe the innumerable diſorders, crimes and offences, which before his happy atteining to the Crown of *England*, were not only frequent, but almoſt ordinar in theſe bounds of the Kingdoms of *Scotland* and *England*, (which then being the Borders of the two Kingdoms, are now become the middle Shires thereof.) Hes reduced theſe parts to ſo good progreſſe of peace and obedience, as in ſo ſhort time could hardly have been expected. Nevertheleſſe it is founden by experience, that alſwell in theſe Shires, as in divers others parts of both Kingdoms, ſome evil diſpoſed perſons are emboldened to attempt and perpetrate many haynous crimes and offences, upon hope of impunitie. If after the committing of the ſame in the one Countrey, they may flee and eſcape to the other, and not be ſent back to the place of their offence. The practice whereof hes made many odious crimes and trangreſſions heretofore to remain unpuniſhed, to the great contempt of His *Majeſties* authoritie, and univerſal grief of all good ſubjects of both Kingdoms.

For remeed whereof our Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and ordains, that if at any time after the end of this preſent Seſſion of Parliament, any perſon or perſons ſhall commit any crime or offence within the Realm of *England*, which by the Laws of the Kingdom of *Scotland*, are or ſhall be declared or ordained to be pettie treaſon, murther, manſlaughter, fellonous burning of Houſes and Corn, Burglarie, robbing of houſes by day, robberie, theft, or rapt, and ſhall flee or eſcape into this Realm of *Scotland*, and be taken and apprehended within any part of the ſaid Kingdom of *Scotland*, bounds and dominions thereof: That then it may and ſhall be lawful to and for the Juſtice General and his ordinar Depute, the Sheriffs, Stewards, Lords, and Baillies of Regalities, the Commiſſioners of borders, or any two of them, in their ordinar Courts, or the Juſtices of Peace in their General and Quarter Seſſions, or any four of them: upon due and mature examination of the ſaid offence or offences in open Courts or Seſſions, and pregnant proofs of the ſame by warrand under their hands and ſeals. To Remaund and ſend all ſuch offenders into the Realm of *England*, there to receive their tryal for any of the foreſaids offences committed by them within the ſaid Realm of *England*, in manner abovementioned: Notwithſtanding any Law, Act, or Conſtitution, made at any time heretofore to the contrair.

Providing

Providing nevertheleſſe, that this Act or any clauſe therein contained, ſhall not take effect, force nor execution in any ſort: Except and Law and Act of Parliament be made and eſtabliſhed within the Realm of *England* in the firſt Seſſion of the next Parliament thereof: For Remaunding and ſending out of the ſaid Realm of *England* into the Realm of *Scotland* all perſons who ſhall at any time hereafter commit any of the crimes or offences foreſaids, within the Realm of *Scotland*, and thereafter flee into *England*, or any part of the dominions of the ſaid Kingdom, to receive their tryal in due examination and puniſhment within the Realm of *Scotland*, for every one of the ſaid offences committed by them within the ſaid Realm of *Scotland* in manner before-mentioned.

CHAP. III.

An Act declaring that in all time hereafter, the objecting of Horning for a Civil cauſe of the partie either ſlain or mutilate, ſhall be no liberation of the offender from the puniſhment due of the Law.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes, that if any of His ſubjects be mutilat or ſlain, being at the Horn only for Civil cauſes, the Slayer being purſued, or ſuch as are airt or part of the ſaids crimes of ſlaughter or mutilation before the Juſtice General, His Deputs, or any other ordinar Judge: No alleageance founden upon the party ſlain or mutilate, their being at the Horn for any Civil cauſe, ſhall either ſtay proceſſe, or be a defence to delay proceſſe, or procure impunitie to any of the offenders guiltie of the crimes foreſaids. And this Act to have force, effect and execution, for all ſuch crimes above-ſpecified, as ſhall be hereafter committed allanerly.

CHAP. IV.

An Act againſt Raviſhers of Women.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and ordains, that if any being airt or part of Raviſhing of Women, be purſued for that haynous offence, and defend themſelves by the ſubſequent conſent of the Woman raviſhed, or by her declaration that ſhe went with them of her own free-will and conſent (albeit in that caſe the Womans declaration of her conſent may exeem them from capital puniſhment,) That if the Womans Parents or neareſt kinſ-folk, or His *Majeſties* Advocat be able to verifie by determination of the aſſiſe, that the fact was at firſt violently and forceably done againſt the parties will, and without their conſent: The ſubſequent conſent or declaration of the partie, ſhall not exeem the offenders from His *Majeſties* arbitral puniſhment of warding their perſons, confiſcatinn of their goods, or impoſing upon them pecunial penalties at His *Majeſties* pleaſure.

CHAP. V.

An Act anent more timeous teinding, for the eaſe of the labourers of the ground.

IT is Statute and ordained by our Soveraign Lord and Eſtates of Parliament, That in time comming in all teinding of Corns, that the ſame be teinded at three ſeveral times every year, if the owners of the Corns ſhall think it expedient: To wit, the croft in-field Corn at one time, the Beer at another time, and the out-field Corn at the third time.

And

And Declares that eight dayes after the compleit ſhearing of ilk ſort of Corns being out-run, that it ſhall be leſome to the owners of the ſaids eight dayes end, to make requiſition upon other eight dayes to make them thankful teinding; and if the owners get not thankfull teinding at the expyring of the ſaids laſt eight dayes: The ſaids Eſtates declares, that it ſhall be lawful to the owners of the ſaids Corns to teind and ſtack the ſamin themſelves, conform to the Act of Parliament made of before anent the teinding of Corns in all points, and ſhall incurre no danger there-through.

CHAP. VI.

An Act for diſcharge of all purſute againſt any within the bounds of the late Borders for cauſes preceeding His Majeſties *going to* England, *with exception not the leſſe of all decreets already recovered: and with reſervation of the criminall purſute at the inſtance of His* Majeſties *Officers.*

OUR Soveraign Lord, and Eſtates of this preſent Parliament having due conſideration that through the occaſion of unquietnes of the Borders of this Realm, and of the deadly feads thereof, there fell out divers blood-ſheds, ſlaughters, mutilations, fire-raiſings, ſtowths, and others crimes indicting death: As alſo ſundry ſpuilyies, hearſhips, depredations, and reiffs of others goods and gear within the ſaids Borders. And underſtanding that through His Highnes happy preferment to the Crown of *England*, the ſaids Borders of both the Realms are become peaceable and civil, albeit that the inhabitants thereof are not able to ſatisfie the bygone damnages of parties.

Therefore our ſaid Soveraign Lord, and Eſtates foreſaids, findes, declares, decerns, ſtatutes and ordains, that all and ſundry inhabitants within the bounds of the ſaids Borders of *Scotland*, and ſpecially within the bounds of the Sheriffdom of Berwick, Roxburgh, Dumfries, and Stuartrie of Annandaill, their heirs, ſucceſſours, and executors, are and ſhal be fred, exonered, and diſcharged by vertue of thir preſents, of all actions of ſpoliation and wrangous intromiſſion with whatſomever goods and gear, ſpoiled and intrometted with by them or their predeceſſours, before His *Majeſties* preferment to the ſaid Crown of *England*. With an expreſſe reſervation not the leſſe of all Decreets and Sentences already gotten and obtained by any perſon whatſomever before the date of thir preſents: Which are declared hereby to be no way comprehended within the compaſſe of this preſent Diſcharge.

And alſo His *Majeſty* and Eſtates foreſaids, Declares, ſtatutes, and ordains, that the ſaids inhabitants of the ſaids Borders, and ſpecially within the Sheriffdoms of Stuardries *reſpective* above-written, are and ſhall be free, fred and diſcharged by thir preſents, of all Criminall purſuits and actions, intended or to be intended or purſued againſt any of them, by any party or perſons whatſomever: (except allanerly by His *Majeſties* Advocat, Juſtices and Commiſſioners, depute and to be depute for that effect,) for whatſomever fire-raiſings, ſlaughters, mutilations, thefts, ſtouths, or others criminal actions whatſomever committed by them, importing or that may import the taking away of their lives, the ſamin being committed before His Highnes preferment to the ſaid Crown of *England* allanerly. But prejudice alwayes to His Highnes Advocat, Juſtices and Commiſſioners, to purſue the ſaids criminal actions as accords of the Law. And with expreſs declaration that this preſent act ſhall no wayes be extended to any crimes, wrangs, facts and deeds, done ſince His Highnes preferment to the ſaid Crown of *England*.

CHAP.

CHAP. VII.

An Act allowing Horning upon a ſimple charge of fifteen dayes to be direct upon Commiſſars decreets.

OUR Soveraign Lord, by advice of the three Eſtates of Parliament, Ordains and Statutes, that the decreets and ſentences of all Commiſſars within this Kingdom, receive ſuchlike execution by Horning as the decreets of Sheriffs, Admirals, Stewarts and Bailies of Burgh: And that the Lords of Seſſion upon the ſight of the Acts and decreets of the ſaids Commiſſars or their precepts lawfully execute by their Officers bearing the party to have been charged upon fifteen days: Direct Letters of Horning upon the ſimple charge of fifteen days, as in the caſes aforeſaids, & conform to the act of Parliament made in their favors.

CHAP. VIII.

An Act anent reparing of Biſhops Manſes.

OUR Soveraign Lord, with advice of the three Eſtates, Ordains all Archbiſhops, Biſhops, and others Eccleſiaſticall perſons, to build, repaire and maintain their Houſes and Manſes in ſuch caſe as may ſerve for their dwelling, and the dwelling of their Succeſſors; And if they or any of them ſuffer the ſaids Houſes or Manſes to ruine and decay in their default: The ſucceſſor ſhall have action againſt their executors for the ſame. As alſo where the ſaids Houſes are fallen in decay, and ſhall be built and repaired by any of the beneficed perſons upon their own expences, the next ſucceſſor ſhall be obliged to give ſatisfaction therefore to the heirs or executors of the defunct, at the ſight of two or three of the Biſhops within the Province. Providing that the ſaid ſatisfaction exceed not the ſum of a thouſand pounds if they be Prelats, and five hundred marks if they be other inferior Miniſters.

CHAP. IX.

An Act pardoning the by-paſt eſcapes of ſome penal Statutes thereinmentioned.

THE which day the Commiſſion after ſpecified, ſigned by His *Majeſtie*, was preſented before the Lords of Articles of this preſent Parliament of the Eſtates of this preſent Kingdom, and was then heard, read, and allowed of by them, and the ſaids Commiſſioners were deſired and required according to His *Majeſties* gracious pleaſure and will ſignified therein, to proceed in doing what unto them by the ſaid Commiſſion was directed; of the which Commiſsion the tenour follows.

Our Soveraign Lord, underſtanding that many Laws and Acts of Parliament, wiſely inſtitute for preventing and puniſhing abuſes by pecuniall pains, have been ſo long neglected without any reſearch, tryall or puniſhment of the contraveeners, or exacting of the fines and penalties appointed for theſe tranſgreſſors, that the moſt part of the people were led by erroneous opinion, to think that the negligence of His *Majeſties* Officers in diſcoverie and purſuit of the offenders againſt theſe Laws, had proceeded of His *Majeſties* allowance, that the ſaids Laws and penalties therein contained ſhould go in deſuetude, and no way be put in execution, whereby the abuſe hath had ſo long toleration, and the people ſo conſtant perſwaſion that they would not be purſued nor troubled for the ſame, that the number of the guilty is become ſo great, and the penalties of their contraventions ſo many, that the rigorous exaction of the ſame might turn to the overthrow of a multitude of His *Majeſties* Subjects.

For remeed whereof, His *Majeſty* with advice and conſent of the Eſtates of Parliament, gives and grants full power and Commiſſion, expreſſe command, bidding and charge to *George* Arch-biſhop of Saint-Andrews, *John* Archbiſhop of Glaſgow, *Alexander* Biſhop of Dunkeld, *John* Earl of Marre, *Patrick* Earl of Kingorne, *David* Lord Scoone, Sir *David Carnegie* of Kinnaird Knight, *John Scrymgeour* of Dudop Conſtable of Dundee, Sir *Gideon Murray* of Elibank Knight, *James Nisbet*, Maſter *Alexander Wedderburne*, *Alexander*

Alexander Rutherfuird Proveſt of Aberdein, Sir *Thomas Hamilton* Secretar to our Soveraign Lord, Sir *William Oliphant* his Highnes Advocat, or any eight of them, to conveen whatſomever dayes and places needfull and convenient, by appointment of the ſaid *George* Arch-biſhop of Saint-Andrewes.

There to try and conſider which of the ſaids Penall Lawes, and Acts of Parliament have heretofore been left in ſic deſwetude, without any controlment or purſuit, as might have induced the ſubjects to expect impunitie of contraveening the ſame: As alſo which of the Acts and Statutes foreſaids, merits pardon for by-gane contravention, and which of them are fit to be authoriſed in time comming, after the ſaid Publication, ſhall be ſeverely puniſhed without any farther over-ſight or favour. And whatever the ſaids Commiſſioners, or any eight of them ſhall determine, conclude and ſet down in form of Act, ſubſcryved with their hands, ſhall have the form, ſtrength, force and effect of a ſure, perfect and abſolute pardon and Remiſſion to all whom it may concern, for by-paſt tranſgreſſion of the foreſaids Laws, als valably in all reſpects, as if every one of them had obtained a lawfull, formall, and particular remiſſion, orderly exped under His *Majeſties* hand and ſeals, with conſent of the ordinar Officers, and with all neceſſar ſubſtance and formality requiſit in the like caſes. With certification to all thoſe who ſhall tranſgreſs the Laws and Acts of Parliament hereafter to be publiſhed and ordained to have force and execution in time coming, ſhall be purſued and puniſhed therefore with all extremity. Ordaining alſo this Commiſſion with the Acts to be made by vertue thereof to be inſert and regiſtrat in the books of Parliament, and have the force and execution of an Act of the ſame. According whereunto the afore-named Commiſſioners have had ſundry meetings, and taking hold aſwell of the neceſsity of the puniſhment of ſuch as have contraveened the Law, as of His *Majeſties* moſt gracious inclination to mercy and compaſsion, have concluded, decreed and determined, as after follo weth.

In the firſt, the ſaids Commiſsioners having conſideration of the Act and Statute of Parliament made in the moneth of *December* fourſcore ſeventeen years, whereby all Lieges were inhibite to take any further annuall, intereſt, or profit, then according to the rate and proportion of Ten for ilk hundred in the year: Determines and ordains, that the ſame in all time hereafter ſhall ſtand in full force, ſtrength and effect, and that the contraveeners and breakers of the ſame, ſhall be with all rigour and extremity puniſhed, according to the appointment of the foreſaid Act of Parliament in all points. And as for ſuch as are come within the compaſs of the breaking and violating of the ſaid Act in the time paſt ſince the making thereof: It is declared, that if ſic perſon as in time paſt ſince the date thereof hath exceeded the proportion of twelve for ilk hundred, by taking greater profit or annuall for their Money lent out, ſhall be in like ſort without any mitigation, ſeverely puniſhed, conform to the tenour of the ſaid Act of Parliament. And in like ſort it is declared, that all ſuch perſons who ſince the term of Martimas 1611. years, (at which time by His *Majeſties* direction and appointment, the offenders in that caſe, and violators of the foreſaid Act of Parliament were purſued) have given out their Money, and taken more profit and annuall then Ten for ilk hundreth, ſhall in like ſort be puniſhed as breakers and contraveeners of the foreſaid Act. But as for ſuch perſons who ſince the date of the foreſaid Act, and before the ſaid terme of Martimas 1611. years, have not exceeded the proportion of Twelve for ilk hundred. His *Majeſties* aforeſaids Commiſsioners, upon the knowledge of His *Majeſties* pleaſure therein, whoſe ſuperabounding love and mercy to His Subjects was never wanting, and the ſecurity of the offenders in this caſe, who finding no proſecution of any puniſhment upon the breakers of the Statute for ſuch a continuance of time, did thereupon preſume to themſelves impunity, being ſome argument of His *Majeſties* compaſsion towards them: It is therefore by the ſaids Commiſsioners decreed and determined, that all and every perſon who hath come within the

compaſs

compaſſe of violating of the ſaid Act, and that from the date thereof, to the ſaid terme of Martimas 1611. years, did never exceed nor tranſcend in taking of profit or annual for Money lent out by them, the proportion of twelve for ilk hundreth, ſhall be freely diſcharged, exonered, and pardoned of all pain, unlaw, and puniſhment, which the ſaid Act of Parliament doth appoint to be inflicted upon the contraveeners and breakers of the ſame. But it is no way hereby meaned, that this ſhall be a liberation to thoſe who have in any ſort ſince the date of the act of Parliament, exceeded the proportion of twelve, or that have taken more then ten ſince the ſaid terme of Martimas 1611. years: But the offenders in any of theſe caſes to be puniſhed as the Law hath appointed.

And ſuchlike the ſaids Commiſſioners upon the reaſons and conſiderations before rehearſed, have diſcharged ſimpliciter the whole Subjects and Lieges of this Realm, of all ſuch by-gone penalties, unlaws, and puniſhments, which they or any of them have incurred through the breaking and violating of any of the Acts and Statutes of Parliament hereafter expreſſed in times by-paſt allanerly, and no otherwayes. They are to ſay,

The Acts of Parliament made anent apparell.

The Acts of Parliament made anent Taverners.

The Acts of Parliament made anent tranſporting of gold and ſilver.

The Acts of Parliament made anent Malt-men.

The Acts of Parliament made anent whiſſiling of gold and ſilver, and taking therefore above the Kings price.

The Acts of Parliament made anent eating of fleſh in Lent, and forbidden dayes.

The Acts of Parliament made anent the uſing of Confections beyond ſea.

The Acts of Parliament made anent the tranſporting of forbidden goods.

The Acts of Parliament made anent the tranſporting of Skinnes.

And the Acts of Parliament made anent the packing and tranſporting of Herring before Michaelmas.

And ordains the ſame whole Acts of Parliament; and every one of them, to ſtand in their own ſtrength, force, and effect in all time comming, after the forme and tenour thereof, and ordains the ſame to be put to due execution, and the tranſgreſſours thereof to be unlawed and puniſhed, conform to the unlaws and puniſhments mentioned therein.

CHAP. X.

Ratification to the Queens Majeſty *of her infeftment of Dumfermling.*

OUR Soveraign Lord and Eſtates of this preſent Parliament, Ratifies and approves, and for His *Majeſty* and His Succeſſours perpetually confirms, the Infeftment made and granted by His *Majeſty* to His Highnes deareſt Spouſe *ANNA* by the grace of God now Queen of *Great Brittain*, *France*, and *Ireland*: and to the Heirs lawfully gotten, or to be gotten betwixt His *Majeſty* and His Highnes deareſt Spouſe foreſaid: Which failyeing (as God forbid) to His Highnes Heirs and Succeſſours whatſomever to the Crown of the Kingdom of *Scotland*, of all and whole the Monaſterie and Abbacie of Dumfermling, lyand on both ſides of the water of Forth, containing all and ſundry the Lands, Lordſhips, Baronies, Milnes, Woods, Fiſhings, Manſions, Manor-places, Kirks, Teinds, Kirk-lands, Tenents, Tenendries, ſervice of free Tenents, Yairds, Orchards, Few-mailles, Fermes, Kennes, Cuſtomes, Annual-rents, and others particularly and generally contained in the ſaid Infeftment, proceeding upon the Reſignation of *Henry Pitcarne* of that ilk, as Commendator of the ſaid Abbacie of Dumfermling for the time, with conſent of the Convent thereof, in manner and to the effect mentioned in the ſame Infeftment, which are thereby united, erected and incorporate in an whole and free temporal Lordſhip, to be called in time comming, The Lordſhip of Dumfermling. To be holden of our Soveraign Lord and His Succeſſours, in free Blench, free-heritage, and free-Lordſhip for

ever, for the yearly payment of ſix ſhillings eight pennies money of this Realm of *Scotland* yearly at the feaſt of whitſunday, in name of Blench-ferm if it being aſked allanerly, like as at more length is contained in the ſaid Infeftment under His Highnes great Seal, of the date at *Linlithgow* the ſeventh day of March 1593. years, and of His Highnes Reign the 27. year. With the precept and inſtrument of Seaſin following there-upon, together with and ſundry Infeftments either paſt by Reſignations of Confirmations, Precepts upon Retours, or by Precepts of *Clare conſtat*, gifts of Offices, tacks of Teinds of Lands, or others Teinds whatſomever diſpoſitions by forme of Indenture, Contract, or aſſignation of any yearly dueties, rents or commodities pertaining and belonging to the ſaid Lordſhip of Dumfermling and Patrimonie thereof, of whatſomever date or dates, tenor or contents the ſamin be of, either already made, given, and granted, or that hereafter ſhall happen to be made, given and granted to whatſomever perſon or perſons, their heirs and aſſignayes by our Soveraign Lady as Lady of Dumfermling, with conſent, aſſent and authoritie of our ſaid Soveraign Lord, her Majeſties deareſt Bed-fellow, for His Highnes entreſſe, and with advice, conſent and aſſent of *Alexander* Earle of Dumfermling Chancellour, *Walter* Lord of Blentyre, unwhyle Maſter *John Lindeſay* of Balcarras, umwhyle Maſter *James Elphinſtoun* of Innernochrie, Sir *Thomas Hammiltoun* of Byres Knight Secretar, umwhyle *Alexander Hay* of Eaſter Kennet Clerk of Regiſter for the time, and Maſter *Peter Young* of Seatoun Elymoſinar to His *Majeſty*, or any four of them Her *Majeſties* Counſellours, nominate by our ſaid Soveraign Lord, with advice of the Eſtates of His Highnes Parliament, holden at *Edinburgh* in the moneth of July 1593. years. Or with conſent of ſuch other perſon or perſons, nominat and placed as Councellours to Her *Majeſty*, ſince the deceaſe of any of the perſons particularly above-named, or with conſent of any others Her *Majeſties* Counſellours who ſhall happen at any time hereafter to be nominate in place of the perſons above-named, either already deceaſed, or that hereafter ſhall happen to deceaſe, in manner and forme as is preſcrived in the ſaid act of Parliament, made in the ſaid moneth of July 1593. years: In all and ſundry points, paſſages, heads, articles, clauſes, circumſtances and conditions whatſomever therein contained, after the formes and tenours thereof reſpective in all points. And our ſaid Soveraign Lord and Eſtates foreſaids, wills and grants, declares, decernes and ordains, that this preſent Confirmation is and ſhall be als valiable, effectual and ſufficient in all reſpects, as if the foreſaids Infeftments, Charters, Precepts and Inſtruments of Seaſine granted to our ſaid Soveraign Lady of the ſaid whole Lordſhip of Dumfermling, together with the other Infeftments, Precepts, gifts of Offices Tacks, Indentures, Contracts, Aſſignations, and others above-written, either already made, given and granted by Her *Majeſty*, with conſent, aſſent authoritie and advice foreſaid, to any perſon or perſons, containing diſpoſition, tack, gift, or other right of the ſaid Lordſhip and Patrimonie of Dumfermling, or any part of the ſamin were at length word by word ingroſſed hereintill.

CHAP. XI.

An Act declaring that all Ratifications paſt in this Parliament are no otherwayes exped, but Salvo jure cujuſlibet.

FOraſmuch as in this preſent Seſſion of Parliament, there are many Ratifications paſt, wherein divers and new clauſes are inſert, which may be prejudicial to particular parties Rights, and derogative to many and ſundry Laws, lawfully made and eſtabliſhed of before: albeit the meening of the Eſtates be at this time as it was ever in all preceeding Parliaments, that by no act of Ratification any other party ſhould be hurt and prejudged.

For remeed whereof, It is ſtatute and ordained, that no Ratification paſt in this preſent Seſſion of Parliament, ſhould be prejudicial to any private parties Right, but that the ſaids Ratifications be alwayes underſtood, whether they be general or ſpecial, to be *Salvo jure cujuſlibet*.

The

The Minute of the particulars Acts Unprinted, which were exped and past in the aforesaid Parliament.

1 *ACT concerning the voluntar offer of a Taxation made by the Estates of Parliament to His Majesty.*

2 *Act anent the forme and order of the uplifting thereof.*

3 *Ratification of the contract betwixt His Majesty, and Sir* John Arnot, *anent* Orknay.

4 *Annexation of the Lands of* Orknay *to the Crown.*

5 *Commission for dealing betwixt His Majesty and the Bishop of* Orknay, *for the Bishops lands in* Orknay.

6 *Ratification of* John Auchmouties *renunciation of his right of the castle of* Saint Andrews.

7 *Ratification of the Bishoprick of* Galloway *in favors of Mr.* William Cowper, *with some reservations in favors of some particular persons from the same act*

8 *Ratification in favors of* Saint Leonards *Colledge of the lands belonging to the patrimony thereof.*

9 *Dissolution of the Arch-deanrie of* S. Andrews, *and annexation of the same to the Bishoprick thereof.*

10 *Ratification of the contract betwixt the Archbishop of* S. Andrews, *and the City of* S. Andrews, *with a reservation in favors of the Lord* Lindesay.

11 *Ratification to the Duke of* Lennox, *of the Dukedom of* Lennox, *and Regality thereof.*

12 *Ratification to the Duke of* Lennox *of the office of Admirality, and priviledges of the same.*

13 *Ratification to the Duke of* Lennox *of his pension forth of the property.*

14 *Exoneration to the Earl of* Argyle *of his Commission to* Ilay.

15 *Ratification of the patronage of the Kirk of* Kinghorn, *to the Earl of* Kinghorn

16 *Act for changing the market day of* Glammes.

17 *Ratification of the Lord* Fenton *his infeftment of the Lordship of* Dirlton.

18 *Act for translating of the Kirk of* Gullane *to* Dirleton.

19 *Ratification in favors of the Lord* Lindesay, *anent his infeftment of the lands of* Carnay, *and others.*

20 *Ratification to the Lord* Hay *of* Sala *of his erection of* Beauly.

21 *Ratification to the Lord* Scoon, *of his infeftment of* Scoon: *and of the said Lord* Scoon *and Sir* Mungo Murray *their pensions forth of his Majesties rents*

22 *Ratification to the Lord* Keith *of his infeftment of the Lordship of* Dunnoter *and* Invernay.

23 *Ratification to the Lord of* Bukcleuch *of his infeftment of* Hails *&* Branxholm

24 *Ratification to the Mr. of* Tullibardin *of the lands of the Earldom of* Athole.

25 *Ratification in favors of the Lord of* Gerleis, *of his infeftment of* Garles, *and patronage of the Kirk of* Pennynhame.

26 *Ratification to the Lord* Burlie *of his erection of* Kilwinning.

27 *Ratification to Sir* Thomas Hammilton *of* Byres *Knight, Secretary, of his infeftment of* Byres.

28 *Ratification in favors of Mr.* John Preston *President, of his pension of* 1000.

29 *Ratification in favors of Sir* Richard Cockburn *of* Clerkingtoun *Lord Privy Seal, of his infeftment of* Clerkingtoun.

30 *Ratification to Sir* William Oliphant *of* Newtoun *Advocat to his Highnes of the gift of the said office, and of his pension.*

31 *Ratification to Sir* Gideon Murray *of* Elibank *Knight, of his pension.*

32 *Ratification to* Patrick Dowglas *of his infeftment of the Lands of* Kilspindy *and* Aberlady, *with the teinds of the same.*

33 *Ratifi-*

ever, for the yearly payment of six shillings eight pennies money of this Realm of *Scotland* yearly at the feast of whitsunday, in name of Blench-ferm if it being asked allanerly, like as at more length is contained in the said Infeftment under His Highnes great Seal, of the date at *Linlithgow* the seventh day of March 1593. years, and of His Highnes Reign the 27. year. With the precept and instrument of Seasin following there-upon, together with and sundry Infeftments either past by Resignations of Confirmations, Precepts upon Retours, or by Precepts of *Clare constat*, gifts of Offices, tacks of Teinds of Lands, or others Teinds whatsomever dispositions by forme of Indenture, Contract, or assignation of any yearly dueties, rents or commodities pertaining and belonging to the said Lordship of Dumfermling and Patrimonie thereof, of whatsomever date or dates, tenor or contents the samin be of, either already made, given, and granted, or that hereafter shall happen to be made, given and granted to whatsomever person or persons, their heirs and assignayes by our Soveraign Lady as Lady of Dumfermling, with consent, assent and authoritie of our said Soveraign Lord, her Majesties dearest Bed-fellow, for His Highnes entresse, and with advice, consent and assent of *Alexander* Earle of Dumfermling Chancellour, *Walter* Lord of Blentyre, umwhyle Master *John Lindesay* of Balcarras, umwhyle Master *James Elphinstoun* of Innernochrie, Sir *Thomas Hammiltoun* of Byres Knight Secretar, umwhyle *Alexander Hay* of Easter Kennet Clerk of Register for the time, and Master *Peter Young* of Seatoun Elymosinar to His *Majesty*, or any four of them Her *Majesties* Counsellours, nominate by our said Soveraign Lord, with advice of the Estates of His Highnes Parliament, holden at *Edinburgh* in the moneth of July 1593. years. Or with consent of such other person or persons, nominat and placed as Councellours to Her *Majesty*, since the decease of any of the persons particularly above-named, or with consent of any others Her *Majesties* Counsellours who shall happen at any time hereafter to be nominate in place of the persons above-named, either already deceased, or that hereafter shall happen to decease, in manner and forme as is preserived in the said act of Parliament, made in the said moneth of July 1593. years: In all and sundry points, passages, heads, articles, clauses, circumstances and conditions whatsomever therein contained, after the formes and tenours thereof respective in all points. And our said Soveraign Lord and Estates foresaids, wills and grants, declares, decernes and ordains, that this present Confirmation is and shall be als valiable, effectual and sufficient in all respects, as if the foresaids Infeftments, Charters, Precepts and Instruments of Seasine granted to our said Soveraign Lady of the said whole Lordship of Dumfermling, together with the other Infeftments, Precepts, gifts of Offices Tacks, Indentures, Contracts, Assignations, and others above-written, either already made, given and granted by Her *Majesty*, with consent, assent authoritie and advice foresaid, to any person or persons, containing disposition, tack, gift, or other right of the said Lordship and Patrimonie of Dumfermling, or any part of the samin were at length word by word ingrossed hereintill.

CHAP. XI.

An Act declaring that all Ratifications past in this Parliament are no otherwayes exped, but Salvo jure cujuslibet.

FOrasmuch as in this present Session of Parliament, there are many Ratifications past, wherein divers and new clauses are insert, which may be prejudicial to particular parties Rights, and derogative to many and sundry Laws, lawfully made and established of before: albeit the meening of the Estates be at this time as it was ever in all preceeding Parliaments, that by no act of Ratification any other party should be hurt and prejudged.

For remeed whereof, It is statute and ordained, that no Ratification past in this present Session of Parliament, should be prejudicial to any private parties Right, but that the saids Ratifications be alwayes understood, whether they be general or special, to be *Salvo jure cujuslibet*.

The

The Minute of the particulars Acts Unprinted, which were exped and past in the aforesaid Parliament.

1 *ACT concerning the voluntar offer of a Taxation made by the Estates of Parliament to His Majesty.*

2 *Act anent the farme and order of the uplifting thereof,*

3 *Ratification of the contract betwixt His Majesty, and Sir* John Arnot, *anent* Orknay.

4 *Annexation of the Lands of* Orknay *to the Crown.*

5 *Commission for dealing betwixt His Majesty and the Bishop of* Orknay, *for the Bishops lands in* Orknay.

6 *Ratification of* John Auchmouties *renunciation of his right of the castle of* Saint Andrews.

7 *Ratification of the Bishoprick of* Galloway *in favors of Mr.* William Cowper, *with some reservations in favors of some particular persons from the same act*

8 *Ratification in favors of* Saint Leonards *Colledge of the lands belonging to the patrimony thereof.*

9 *Dissolution of the Arch-deanrie of* S. Andrews, *and annexation of the same to the Bishoprick thereof.*

10 *Ratification of the contract betwixt the Archbishop of* S. Andrews, *and the City of* S. Andrews, *with a reservation in favors of the Lord* Lindesay.

11 *Ratification to the Duke of* Lennox, *of the Dukedom of* Lennox, *and Regality thereof.*

12 *Ratification to the Duke of* Lennox *of the office of Admirality, and priviledges of the same.*

13 *Ratification to the Duke of* Lennox *of his pension forth of the property.*

14 *Exoneration to the Earl of* Argyle *of his Commission to* Ilay.

15 *Ratification of the patronage of the Kirk of* Kinghorn, *to the Earl of* Kinghorn

16 *Act for changing the market day of* Glammes.

17 *Ratification of the Lord* Fenton *his infeftment of the Lordship of* Dirlton.

18 *Act for translating of the Kirk of* Gullane *to* Dirleton.

19 *Ratification in favors of the Lord* Lindesay, *anent his infeftment of the lands of* Carnay, *and others.*

20 *Ratification to the Lord* Hay *of* Sala *of his erection of* Beauly.

21 *Ratification to the Lord* Scoon, *of his infeftment of* Scoon: *and of the said Lord* Scoon, *and Sir* Mungo Murray *their pensions forth of his Majesties rents*

22 *Ratification to the Lord* Keith *of his infeftment of the Lordship of* Dunnoter *and* Invernay.

23 *Ratification to the Lord of* Bukcleuch *of his infeftment of* Hails *&* Branxholm

24 *Ratification to the Mr. of* Tullibardin *of the lands of the Earldom of* Athole.

25 *Ratification in favors of the Lord of* Gerleis, *of his infeftment of* Garles, *and patronage of the Kirk of* Pennynhame.

26 *Ratification to the Lord* Burlie *of his erection of* Kilwinning.

27 *Ratification to Sir* Thomas Hammilton *of* Byres *Knight, Secretary, of his infeftment of* Byres.

28 *Ratification in favors of Mr.* John Preston *President, of his pension of* 1000.

29 *Ratification in favors of Sir* Richard Cockburn *of* Clerkingtoun *Lord Privy Seal, of his infeftment of* Clerkingtoun.

30 *Ratification to Sir* William Oliphant *of* Newtoun *Advocat to his Highnes of the gift of the said office, and of his pension.*

31 *Ratification to Sir* Gideon Murray *of* Elibank *Knight, of his pension.*

32 *Ratification to* Patrick Dowglas *of his infeftment of the Lands of* Kilspindy *and* Aberlady, *with the teinds of the same.*

33 *Ratification in favours of* John Murray *of his infeftment of the lands of* Dundrenan *and* Lochmaben.

34 *Ratification to the Laird of* Panmure *of his infeftment of the lands of* Panmure, *and of the Band given by the Marques of* Hammilton *of his teinds.*

35 *Ratification to Sir* George Hay *of his gift of the priviledge of making of iron and glasse-works, with reservation of* Archibald Primrose *of his parti-*

36 *cular gift of a part of the same.*

Ratification to Sir George Hay *of infeftment of the lands of* Bincapell.

37 *Ratification to the Officiars of the Coyning-house of their priviledges.*

38 *Ratsfication to Sir* James Sempill *of his infeftment of the lands of* Stuarton.

39 *Act making the town of* Monimusk *to be the head Burgh of that part of the Royalitie of the Baronies of* Keig *and* Monimusk.

40 *Ratification to the Laird of* Balmuto *of his infeftment of the lands of* Balmuto, *and patronage of the Kirk of* Auchtertoule.

41 *Ratification to the Laird of* Dundas *of the patronage of the Kirk of* Levingston.

42 *Ratification to Master* Thomas Hope *of his infeftment of the lands of* Edmiston

43 *Ratification to Sir* James Dundas *of a buriall place in the Revestrie of the Kirk of* Borthuik.

44 *Ratification to* Henry Wardlaw *of the heritable Chamberlenrie of* Dumfer.

45 *Ratification to the Laird of* Lie *of his infeftment of the Baronie of* Lie.

46 *Ratification in favours of* William Nisbet *of his infeftment of the* Dean *and pultrie land.*

47 *Ratification to* Alexander Moncreif *of his infeftment of the lands of* Fawside.

48 *Act in favours of the heires of umwhile* William Nisbet *of* Newtoun-leyes *against the executors of the Laird of* Restalrig.

49 *Ratification in favours of the Laird of* Spot *of his infeftment of* Spot *and Chamberlenrie of* Dumbar.

50 *Act anent the Kirk of Cesling declaming the same to be an Paroch Kirk.*

51 *Generall ratification of the Burrowes Liberties.*

52 *Ratification in favours of the town of* Glasgow *of their infeftment.*

53 *Ratification in favours of the town of* Dumbartan *of their infeftment.*

54 *Ratification in favours of the Burgh of* Tayn *of their infeftment.*

55 *Ratification in favours of Master* Josua Durie *of his pension.*

56 *Ratsfication to the Laird of* Auldbar *of his infeftment of the patronage of the Kirk of* Roscolie.

57 *Act anent the common Kirks of* Caithnes.

58 *The supplications of the Fewers of* Selkirk *and Sheriff of* Roxburgh, *referred to the Lords of Session to grant Commission conform to the desire thereof.*

59 *Commission to the next Parliament anent prescription of heritable Rights, and als anent Procuratories and instruments of resignation.*

60 *Declaration of the Estates that sic Commissioners for the Kings duties of Erections that are deceased, or shall happen to decease, shall be supplied by* His Majesties *nomination hereafter of others persons of that same rank and estate.*

61 *Recommendation from the Estates to* His Majesty *of umwhile Master* Thomas Craig *his Works.*

62 *Protestation made by the Earl of* Angus.

63 *Protestation made by the Marques of* Hammiltion *to the contrare.*

64 *Protestation made by* James Stewart *for the Earl* Marshall *against the Constable.*

65 *Protestation made by the Earls of* Wintoun *for the Earl of* Errol *Constable.*

66 *Protestation made by the Lord* Torphichen *anent the taxation and liberty therefra.*

67 *Protestation made by Sir* James Dundas *to the same effect.*

68 *Protestation made by the town of* Renfrew *against* Glasgow *and* Dumbartan.

69 *Protestation made by the Burgh of* Innernes *against the Burgh of* Tayn.

FINIS.

THE

TVVENTY TVVO PARLIAMENT

Of our moſt High and Dread SOVERAIGN,

JAMES

By the Grace of God, King of SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, *Defender of the Faith, &c.*

Holden by His *Majeſty at Edinburgh*, the twenty eight day of *June*, 1617.

With Advice of the Eſtates of this Realm.

ACT. I.

Anent the Election of Archbiſhops and Biſhops.

OUR Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, for good and ſolid order to be keeped in all time to come, For election of Archbiſhops and Biſhops, Statutes and Ordains, that all who ſhall be hereafter promoved to any Archbiſhoprick or Biſhoprick within this Realm, ſhall be elected and admitted according to the form and manner under-mentioned, and no otherwiſe. That is to ſay, When it ſhall fall any of the Sees to be made void: His *Majeſties* pleaſure is to grant licence to the Dean and Chapter of the Cathedral Kirk of the See, to conveen themſelves for electing of an other Archbiſhop or Biſhop in place of the former Incumbent. And the ſaid Licence being exped, an Edict ſhall be affixed upon the moſt patent door of the Cathedral Kirk, requiring and charging the Dean and Chapter of the ſaid Kirk, to conveen themſeves for

for chooſing of a Biſhop to the ſame, who ſhall be devote to GOD, and to His Highnes and Realm profitable and faithfull. Who being conveened, the Dean of the ſaid Chapter, with ſo many of them as ſhall happen to be aſſembled, ſhall proceed and chooſe the perſon whom His *Majeſty* pleaſed to nominat and recommend to their election, He alwayes being an actual Miniſter of the Kirk, and ſhall elect none other (then an actual Miniſter) to be ſo nominat and recommended by His *Majeſty*, as ſaid is. After the which election, teſtified under their ſeals and ſubſcriptions, His *Majeſties* pleaſure is to give His Royall aſſent thereto: And the ſame aſſent being granted under His *Majeſties* great Seal, ſhall be to the perſon elected a ſufficient right for injoying the ſpirituality of the Benefice whereunto he is elected during his life-time. Upon the which aſſent, and His Highnes Mandate to be directed to a competent number of Biſhops within the Province where the Benefice lyes. The perſon elected ſhall be Conſecrat and received in his function by the rites and order accuſtomed. And the ſaid Conſecration being made, His *Majeſties* pleaſure is to diſpone to the perſon elected, the Temporality of the ſaid Benefice, with all Priviledges, Honours and Dignities belonging thereto. And the ſame grant being paſt under his *Majeſties* great Seal, Then ſhall the perſon admitted do homage, and ſwear obedience to our Soveraign Lord, according to the form preſcribed. Neither ſhall it be lawfull to the perſon admitted, to intromet with any of the fruites and rents of the ſaid Benefice, untill he have performed the ſaid homage, and given the Oath of alleagence and fidelity to his *Majeſty*, or his Highnes Commiſſioners to be appointed for that effect. And for the better obſerving of the ſaid order in all time hereafter, Our Soveraign Lord, and three Eſtates, inhibites and diſcharges the Lords of Councell and Seſſion, to authorize by their decreet and ſentence, the proviſion of any Biſhop to be admitted hereafter, except that it be teſtified that he is received and entred according to the ſaid order in all points.

ACT II.

Anent the reſtitution of Chapters.

OUR Soveraign Lord, with advice and conſent of the Eſtates of this preſent Parliament, conſidering how neceſſar it is that the Dean, and Members of Chapter of every Cathedrall Kirk, be at all occaſions ready to conveen themſelves for the election of Archbiſhops, and Biſhops, to their ſeveral Sees, and for expeding of particular rights made to the Lieges, whereunto their conſent by the Laws of the Realm is required, and that for ſupporting of the charges of their ſervice, and inabling them the better to attend at ſuch occaſions; It is moſt needfull they be reſtored to their Manſes, Gleibs, Rents and Livings belonging unto them of old:

Have ſtatute and ordained, that all Deans, and others Members of the Chapters of the Cathedral Kirks within this Kingdom, ſhall be reſtored to their Manſes, Gleibs, Rents, and other patrimony belonging to them.

And to that effect His *Majeſty*, with advice of the ſaids Eſtates, diſſolves from the Crown and patrimony thereof, the foreſaids Manſes, Gleibs, Rents and Duties formerly annexed: to the effect the ſame may hereafter be injoyed, and peaceably poſſeſſed by the Miniſters that are, and hereafter ſhall be provided thereto. Without prejudice always of the Fews, Tacks, Penſions, and others Rights lawfully made of whatſomever Manſes, Gliebs, Lands and Teinds of any part of the ſaids Chapter-Kirks, to the parties having right to the ſame. And ſiclike, but prejudice to the Laick Patrons, of their patronages granted to them by the Kings *Majeſty*, with conſent of the Titulars for the time, albeit the ſame be not ratified in Parliament, which ſhall no ways be prejudged by this preſent Act, and

and with expreſſe reſervation of the Rights of the Priorie of S. *Andrewes*, now erected in a Temporall Lordſhip in favours of *Lodowick* Duke of *Lennox* and his heires, which ſhall remain in the awn ſtrength and integritie, notwithſtanding of the Act of Reſtitution above-written, and any thing therein comprehended.

And als with reſervation of the Houſe and place of *Hamiltoun*, Biggings and Orchards, Yards, and whole pertinents of the ſame, in ſo far as the ſame or any part thereof perteined of before to the Deanrie of *Glaſgow*, which His *Majeſty* and Eſtates reſerves forth of this preſent Act, to his truſty Couſin *James* Marqueſs of *Hamiltoun*, and his ſucceſſours, to be holden of His *Majeſty* and His Highnes Succeſſours, as their immediate ſuperiours thereof for ever. And without prejudice to the Burgh of *Edinburgh*, of whatſomever rents, profits, tenements, annualrents, teind-ſhaves, and others commodities given, granted and diſponed to them for entertainment of their Hoſpitals, Colledge and Miniſtrie; And ſiclike but prejudice of whatſomever teinds, few-maills or annualrents which perteined of auld to the ſaids Chapters in common, or to any Prebendar in particular, diſponed by His *Majeſty* to any Colledges within the Univerſitie of S. *Andrewes*, Maſters or Burſers thereof, which His *Majeſty* with advice of the Eſtates, declares ſhall not be prejudged by this preſent Act. And als according to the reſtrictions, exceptions and limitations conceived in favours of Fewars, Tacki-men, and others havand right particularly ſet down and expreſſed in the ſecond Act of His *Majeſties* eighteenth Parliament, concerning the reſtitution of the Eſtate of Biſhops. Which reſtrictions, exceptions and limitations, are halden as repeated and expreſt in this preſent Act. And to the effect that all ſic perſons who are and have been Tenents and Vaſſals to Deanes and others Members of Cathedrall Kirks may be in certaintie know, and by whom they ſhould be entred and received in the lands and others halden by them of the ſaids Deane and Members, or any of them.

Therefore it is ſtatute and ordeined by our Soveraigne Lord, and Eſtates, That when any ſic occaſion ſhall offer of receiving or entring of Vaſſals, or of changing of Tenents who comes in the Vaſſals places, either by alienation of the Vaſſals, or compryſing from him, or by any other lawfull manner; the direct ſuperiour of whom the ſaid Vaſſall immediatly held, ſhall be aſtricted and halden to do the ſame, and to enter all ſic perſons by himſelf (they doing their duetie to their ſuperiours as apperteins.) In the which caſe our Soveraigne Lord and Eſtates, declares the conſent of the Prelate, or remanent Members of his Chapter, no wayes to be neceſſar to the ſaid entry or change of Tenents. And becauſe the Priorie of S. *Andrewes* is now erected in an Temporall Living and Lordſhip, this Prior whereof in former times was alwayes Deane of the Chapter of S. *Andrewes*, the Channons thereof were the Members of the ſaid Chapter which are now all aboliſhed, to the effect there be not wanting a Chapter to the ſaid Kirk.

Our Soveraigne Lord, with advice foreſaid, declares that the Miniſters ſerving the cure at the Kirks under-written, preſent and to come, ſhall be eſteemed the Chapter thereof. They are to ſay, The Prior of *Portmook*, who is principall of S. *Leonards* Colledge and Deane of the Chapter. The Arch-dean of S. *Andrewes*. The Vicar of S. *Andrewes*. The Vicar of *Leuchers*. The Vicar *Cowper*. The Proveſt of *Kirkhill*. The Parſon of *Dyſert*. The Vicar of *Forgond*. The Vicar of *Inſhture*. The Vicar of *Kinkaird*. The Vicar of *Fowles*. The Vicar of *Egliſhgreig*. The Vicar of *Roſsie*. The Vicar of *Linlithgow*. The Vicar of *Scoone*. The Vicar of *Fordun*. The Vicar of *Forgund* in Fyfe. The Deane of *Reſtalrig*. The Deane of *Dumbar*. The Vicar of *Kettill*. The Vicar of *Kinnowy*. The Vicar of *Merkinch*. The Vicar of *Falkland*, and the Vicar of *Abercrombie*; being all twenty foure perſons, Which perſons ſhall have the adminiſtration, doing and performing

performing of the affairs belanging to the ſaid Biſhoprick, and for the weale of the ſaid Cathedrall Kirk, which were done of before by the Prior and his Chanons. And concerning the election of the Archbiſhop of the ſaid See, whenſoever the ſame ſhall hereafter vaik.

Our Soveraigne Lord, with advice foreſaid, declares, ſtatutes and ordeines the ſaid Archbiſhop to be elected by eight Biſhops of his Diocie. They are to ſay, The Biſhop of *Dunkeld*. The Biſhop of *Aberdene*. The Biſhop of *Brechin*. The Biſhop of *Dumblain*. The Biſhop of *Roſs*. The Biſhop of *Murray*. The Biſhop of *Orkney*, and the Biſhop of *Caithnes*. And by five Miniſteres ſerving the Cure of the Kirks under-written, to wit, The Principal of S. *Leonards* Colledge. The Arch-deane of S. *Andrewes*, The Vicar of S. *Andrewes*. The Vicar of *Luchars*, And the Vicar of *Cowper*. Which Biſhops and Miniſters, or the moſt part of them, ſhall have power in all time to come, to elect the Archbiſhop when ever the See ſhall vaik, and ſhall remain hereafter the Chapter appointed by our Soveraign Lord, and Eſtates, for the election foreſaid. The Vicar generall for coveining of the which electors, our Soveraigne Lord and Eſtates declares to be now and in all time comming the Biſhop of *Dunkeld*, who ſhall happen to be for the time. And ſiclike our Soveraigne Lord, with advice of his Eſtates, declares, ſtatutes and ordeins, that the Archbiſhop of *Glaſgow*, whenſoever that See ſhall vaik, ſhall be elected by three Biſhops of his Diocie, to wit, the Biſhop of *Galloway*, the Biſhop of *Argyle*, the Biſhop of the *Iles*, being for the time, and by his ordinar Chapter, or the moſt part of them, the Biſhop of *Galloway* being alwayes Conveiner of the ſaids electors to the ſaid election. Which perſons ſhall have power onely in the ſaid election, ſeeing it is the expreſſe will and ordinance of His *Majeſty* and Eſtates, that the auld and ordinar Chapter of *Glaſgow*, and the other Chapter above-written, appointed for the See of S. *Andrewes*, as ſaid is, ſhall have the only adminiſtration of theſe things, concerning the affairs tending to the weal of their Cathedrall Kirks, and belonging thereto, as the auld Chapter formerly had, and theſe others Chapters beforementioned, appointed allanerly for election of the ſaids Archbiſhops, ſhall no wayes be derogatory to the others ordinary Chapters eſtabliſhed for the handling of the affairs of their Sees in maner above-written.

ACT III.

Anent the Plantation of Kirks.

OUR Soveraigne Lord, conſidering that there be divers Kirks within this Kingdom not planted with Miniſters, where-through Ignorance and Atheiſme abounds amongſt the People; and that many of thoſe that are planted, have no ſufficient proviſion or maintenance appointed to them, whereby the Miniſtery are keeped in povertie and contempt, and cannot fruitfully travell in their charges. Conſidering alſo that nothing is more properly belonging to his Princely care, then to ſee to the good eſtate of the Kirks within his Dominions, out of that zeale which His *Majeſty* beares to the promoving of the Kingdom of Chriſt.

And for an perfit remedie of thoſe evils, with advice and conſent of the Eſtates of Parliament, hes granted full power and commiſſion to the Lord Chancellour for the time, and to the reverend Fathers in GOD, *John* Archbiſhop of S. *Andrewes*, *James* Archbiſhop of *Glaſgow*, *Alexander* Biſhop of *Dunkeld*, *Alexander* Biſhop of *Aberdene*, *Alexander* Biſhop of *Murray*, *Patrick* Biſhop of *Roſſe*, *Adam* Biſhop of *Dunblane*, and *William* Biſhop of *Galloway*: Eight perſons nominate for the Clergie and Prelats. And in caſe of the deceaſe of any of them, To *Andrew* Biſhop of *Brechin*, *George* Biſhop of *Orknay*, *Andrew* Biſhop of *Argyle*, and *John* Biſhop of *Caithnes*. Which four perſons,

perſons, His *Majeſty* and Eſtates hes nominate to ſupply and become in the place of any of the other eight foreſaids, if any ſhall happen to deceaſe before this Commiſſion be finiſhed. To wit, the firſt of the foure in the place of the firſt of the eight deceaſing, and ſo in order ſucceſſively as they are named. And to *John* Earl of *Mar* Lord Theſaurer, *James* Marques of *Hamilton*, *James* Earl of *Abercorne*, *William* Earl of *Tullibardin*, *Robert* Earl of *Roxburgh*, *John* Viſcount of *Lawderdale*, *Thomas* Lord of *Binning*, and *David* Lord of *Carnegie*, eight perſons nominate for the Nobilitie. And in caſe of any of their deceaſes, To *Alexander* Lord *Elphinſtoun*, nominate to become in the place of the firſt deceaſing, *Alexander* Earl of *Eglinton* in the ſecond, *John* Earl of *Perth* in the third, and *John* Lord of *Balmirrenoch* in the fourth. And to the Commiſſioners under-written nominate for the Barons: To wit, *William Dowglas* of *Drumlanrig*, Sir *Walter Dundas* of that ilk. Sir *James Halibur-ton* of *Pitcur*, Sir *John Hamilton* of *Lettrik*, Sir *John Wais* of *Barnbaroch*, Sir *Andro Murray* of *Balwaird*, Sir *Alexander Gordon* of *Cluny*, and to Sir *George Auchinlek* of *Balmanno*. And in caſe of any of their deceaſes, to *Thomas Vrquhard* Sheriff of *Cromartie*, Sir *Alexander Strachan* of *Thorntoun*, *Joſias Steward* of *Boniton*, and Sir *Robert Steward* of *Schillinglaw* perſons nominate to become in order as they are named in places of any of the eight deceaſing. And to *James Arnot* Burgeſſe of *Edinburgh*, Maſter *Alexander Wedderburne* Clerk of *Dundie*, Sir *Thomas Menzeis* Proveſt of *Aberdein* *John Scherar* Burgeſſe of *Sterling*, *Andro Milne* Burgeſſe of *Linlithgo*, *John Osburne* Burgeſſe of *Air*, *John Matheſon* Clerk of *Carel*, and Sir *George Bruce* of *Carnock* Knight, Burgeſſe of *Culros*, eight perſons nominate for the Burrowes. And in caſe of any of their deceaſes, to *Alexander Clerk* Merchant Burgeſſe of *Edinburgh*, Maſter *William Ferguſon* Burgeſſe of *Dundie*, *George Nicolſon* Burgeſſe of *Aberdein*, and *John Williamſon* Clerk of *Sterling*: Perſons nominate to ſupply in order any of the other eight Commiſſioners foreſaids deceaſing. Which foreſaids Commiſſioners, or any five of ilk Eſtate nominate as ſaid is, conſent-ing and agreeing in ane voice, ſhall have power to convein, conſult, and to determin upon the matters, and in manner under-written. Providing alwayes, that there is and ſhall be neceſſarly requiſit to the validitie of an Act, concluſion, or-dinance and determination of the ſaids Commiſſioners, the conjunct aſſent of five of every one of the ſaids four Eſtates, all agreeing together in an voice, without the which conſent of the ſaids five of ilk Eſtate ſo agreeing, the reſt of the ſaids Commiſſioners ſhall have no power to make any valide or effectuall concluſion by vertue of this preſent Commiſſion, but whatſoever ſhall be otherwayes done, is declared to be of no availe, force nor effect. That is to ſay,

Our Soveraigne Lord and Eſtates of Parliament by the tenour hereof, gives, grants, and commits full power and authoritie to the ſaids Commiſſioners to meet and conveen in the Town of *Edinburgh*, at ſik time and times as they ſhall appoint and finde convenient, and there to call and ſummond before them, all Patrons, Tackſmen of teinds great and ſmall, and all others having right by whatſomever title to the Teinds within this Kingdom, as they ſhall think neceſſar and expedient to exhibite and produce before them their rights and titles, whereby they claime the ſaids teinds to be ſeen and conſidered by the ſaids Commiſſioners. With power to them out of the ſaids teinds of every Parochin, to appoint and aſſigne at their diſcretions, an perpetuall locall ſtipend, to the Miniſters preſent and to come at all Kirks that ſhall be found by them either as yet not provided at all, with Miniſters and ſtipends, or where the proviſion is leſſe nor five hundreth marks of yearlie rent in money, or five Chalders victuall (by manſe and gleibe) or ſik proportion particularly of ſilver and victuall, as will effeir and extend to five hundreth Marks, or five Chalders victuall yearly, and which is the leaſt and meaneſt ſtipend and pro-viſion determinate, appointed, and declared by His *Majeſty* and Eſtates, to be given and aſſigned to any Miniſter for his locall ſtipeud in time comming,

Where the fruits of the Benefice will extend to that quantitie in manner under-written, and that notwithstanding of any right or title pretended by the said Tacksmen, or others in whose favours Teinds have been erected. With speciall Power also to the saids Commissioners, to unite sik Kirks, an or moe as may conveniently be unite, Where the fruits of any one alone will not suffise to entertain an Minister. In the which case of union of sik Kirks, if it fal out that necessitie offer to unite Kirks belonging to presentation of divers Patrons, the presentation of the Ministers shall be appointed by the saids Commissioners to pertain to the Patrons *(alternis vicibus)* to the which Commissioners, His *Majestie* and the Estates does recommend and refer to consider and appoint farther sik solide order as may be best taken, and stand with the least prejudice of any of the Patrons, and as they shall be found to have more or lesse intereſt in the Kirks to be so united. It is alwayes provided, that whereas there are divers Kirks whereof the fruits of any one will not extend to the quantity of five Chalders victuall, nor five hundreth marks of silver in yearly commoditie, and that the rents and whole patrimonie thereof are nowayes answerable to that proportion, and so is not sufficient the alone for the full maintenance of a Minister, and yet nevertheless, for distance of place, or others lawfull causes, may be found incommodious to be united, whereby necessity will evince, that every Kirk in that estate, should be planted with their awn particular Minister to serve thereat, whose provision behooves necessarily to consist of the fruits of the Benefice it self, how mean soever the same be.

Therefore it is Declared, that it shall be sufficient to the saids Commissioners in that case to assigne and appoint to the Minister to be planted at any sik Kirks, the whole fruits perteining to the Patrimony thereof, by and attour his manse and gleib. Which fruits are to be injoyed by him and his successours thereafter, as their perpetuall Locall stipend and provision. And to the end the said Commission may take the better effect, and for an solide order anent the provision of the saids Kirks, with their certaine definite stipend, and that it may be clearly known what shall be the proportion and quantitie of any stipend which shall be hereafter appointed to every Minister, at any Kirk, either not provided at all, or not sufficiently provided, as said is.

Our Soveraigne Lord and Estates Declares, that the least and meanest stipend which they have appointed to be hereafter provided by the saids Commissioners to any Minister, shall not be under and within the quantitie of five chalders victuall, or five hundreth marks of money, or proportionally part of victuall, and part thereof in money, according as the fruits and rents of the Kirk may yeeld and afford, and as the saids Commissioners shall think expedient, effeirand to the saids five chalders victuall, or five hundreth marks money, by and attour their manse and gleibe, where the whole fruits of the Kirk will extend to the quantitie foresaid, and that the greatest and most stipend which the saids Commissioners shall have power to assigne for stipend to any Minister at any time of the saids Kirks, either not planted or planted, and provided with stipends within and under the said five chalders victuall, or five hundreth marks of money, as said is, shall not exceed the quantitie of Ten chalders victuall, or an Thousand marks of money, and proportionally part of money, and part of victual, at the consideration of the saids Cōmissioners, as they shal find by examination of the rents of the Kirk most conveniently may be payed by and attour their manse and gleib. Swa the greatest shall be an Thousand marks, or Ten chalders victuall with manse and gleibe, and the least five hundreth marks, or five chalders of victuall, with manse and gleibe, except where the whole fruits of the Kirks will not extend to that quantity, as said is. And finds and declares, that all Kirks which are planted with Ministers, whose stipends extends to five chalders victual, or 500. marks of silver, or part of both, effeirand to the whole, by their manse and gleib, (the same being made sure to them) are expresly excepted out of this Commission, and no wayes comes under the compasse thereof, neither shal the saids Commissioners

missioners have any power by vertue hereof to meddle with any Kirks or stipends which are in that case, seeing the said Commission is not extended to the same. It is also provided, that where any Kirks are already sufficiently provided, albeit their provision does exceed the foresaid quantity of ten chalders victuall, or an thousand marks of money. And als, where the fruits of any Benefice are in the possession of the Minister, that the same shal be continued in the estate wherein it is at the present, and not to be medled with by vertue of the said Commission. And because reason and equity craves, that recompence should be made unto the Taksmen, and others persons whatsomever, who shall be by the sentence of the saids Commissioners, hurt and prejudged of their present profit, which they may lawfully bruik by vertue of their titles and rights, established in their persons, and upon whom, by vertue of the said sentence, any burden of the sustentation and provision of the saids Kirks and Ministers is to be imposed.

Therefore our said Soveraign Lord and Estates of Parliament gives full power and commission to the saids Commissioners, to proceed in the determining of the saids recompences, That incase the Lord, or any other having right to erected Prelacies, who shall be cited before them, refuse to take the burden of plantation of any Kirks belonging to the saids erected Prelacies, which are not planted, or to help sic other Kirks of the same, as are not wel & sufficiently provided, according to the tenour of the foresaid Commission, and that upon their refusall (the said refusall being first found reasonable by the saids Commissioners) the burden of the said plantation, or farther provision, shall be laid and imposed by the saids Commissioners, in whole, or in part, either upon the principall Taksmen of any of the fruits of the saids Kirks. Or in case of the Taksmen refuse, the burden be imposed upon the Sub-taksmen thereof, the saids Commissioners shall have power to decerne, appoint, and ordein sic particular recompence to be given to the saids Taksmen, or Sub-taksmen, by renewing of their taks or subtaks, after the expiring thereof, upon sic conditions as the saids Commissioners shall find reasonable, respect being had to the qualitie and proportion of the burden to be imposed upon them within the time of their taks and rights, farther then they are astricted by their saids rights, or by appointing sik other reasonable satisfaction as they shal find the said burden and distresse, undergone by any of them, shall deserve and require.

Likeas the saids Commissioners shall have siklike power to determine, decerne and appoint sik particular satisfaction and recompence to be given either to laick Patrons, or to the taksmen of the fruits of the Kirks belonging to the like Patronages and subtaksmen thereof, as they shall think may be answerable to the burdens to be imposed upon either of them for the cause above-written proportionally. In the preserveing of the which recompence, the saids Commissioners shall have speciall respect, what consideration they find reasonable to be given to the saids Patrons for their consents to the taks, if any shall be appointed and decerned to be set and given to the saids taksmen for recompence foresaid. And if any beneficed person upon just and reasonable causes, refuses to provide any Kirk belonging to their Benefice, according to the order hereby prescrived, whereby the burden of plantation, or farther provision of the Kirk, must necessarily lye upon the taksmen or Sub-taksmen of the fruits thereof. The saids commissioners in that case also shall decerne sik recompence to be given to the saids taksmen and sub-taksmen for their losse and prejudice sustained, as the saids Commissioners shall find the same shall merit, by renewing of taks to them upon sik conditions as may tequite their losse, or by finding out some other reasonable mean which may repair the same. And our said Soveraign Lord, with advice and consent of the saids Estates, Declares, Statutes and Ordeins, That all taks which shall be decerned by the saids Commissioners to be given in recompence to any person whatsoever for the causes above-written, and which shall be set for obedience, and conforme to the said decreet and sentence; whatsomever yeares, or long space the saids taks shall

comprehend, ſhall be good, lawfull, and ſufficient ſecurities to the perſons in whoſe favours the ſame are appointed to be given and conceived, neither ſhall the ſame be any wayes prejudged by the act made in this preſent Parliament, by the which it is ſtatute that no Archbiſhop, Biſhop, or Prelate ſhould ſet in tak any part of their patrimonie for longer ſpace nor nineteen years, and that no inferiour benefited perſon ſhall ſet in tak any part of their Benefice for longer ſpace nor their own life-times, and five years thereafter, as the ſaid Statute proports, from the which Statute, the ſaids taks ſo appointed to be ſet and given in recompence are and ſhall be excepted and reſerved, and ſhall no wayes come under the compaſſe of the ſaid Act and Statute, nor in any thing therein contained, but the ſame ſhall remain and abide valide and ſufficient rights for the whole ſpace and years appointed therein, according to the tenour thereof, notwithſtanding of the ſaid Act and Statute.

And becauſe it may fall forth, that in the recompence to be appointed by the Commiſſioners to the Patrons, Takſmen, and Subtakſmen for the foreſaid burden to be impoſed upon them, moe years may be aſſigned for prorogation of their preſent taks, nor may lawfully or conveniently be ſet by the preſent beneficed perſons, to whom by Law the ſetting of taks of teinds belongs. For remeed thereof, Our Soveraign Lord, with advice and conſent of the ſaids Eſtates, Declares, Statutes and Ordains, That it ſhall be lawful to the Commiſſioners foreſaids, to appoint als many years after the expyring of the preſent taks to the takſmen of the ſaids Kirks and Teinds, or to the Patrons or ſub-takſmen *reſpectivè* for bruiking of the ſaids teinds, for recompence of the ſaid burden, as they ſhall think reaſonable, which ſhall be als good, valide, and ſufficient Rights to the ſaids Patrons, takſmen and ſubtakſmen *reſpectivè*, and to their heires and aſſignayes, for bruiking, poſſeſſing, and diſponing upon the ſaids teinds, during the ſaids years of prorogation, as if good, lawfull and valide taks and rights of the ſaids teinds had been ſet and made to them by the Titulars of the benefices to whom the ſame belonged, with conſent of all parties having entreſſe. With expreſſe proviſion and declaration, that at the expyring of all the ſaids years, the right of the ſaids teinds, and power to ſet taks thereof, ſhall returne and appertain to the ſaids Titulars of the foreſaids Benefices, as they did before the making of this preſent Act.

And Our Soveraign Lord, with advice of the ſaids Eſtates, Declares and Ordains this Commiſſion to laſt and endure to the feaſt and terme of Lambes, in the year of God one thouſand ſix hundreth and eighteen years. After the which time the ſame ſhall ceaſe and expire. And Ordains the decreet and ſentence of the ſaids Commiſſioners in all the particulars foreſaids, and every one of them, to have the ſtrength, force and authoritie of a decreet, ſentence and Act of Parliament. For obedience whereof the Lords of Seſſion ſhall direct and grant Letters in form as effeirs, and according as ſhall be neceſſar. Which Commiſſion above-written, taking force and full effect in all the ſaids particulars therein contained, as the ſame are ſet down and comprehended therein, by pronunciation of decreet and ſentence upon the ſame, conform to the power therein comprehended, given to the ſaids Commiſſioners.

Our Soveraign Lord, with the expreſſe conſent and aſſent of the Eſtates in that caſe, Findes and declares, that no perſon in whoſe favours the teinds of Kirks and Benefices are erected, nor no other whatſomever, bruiking teinds, by vertue of Rights lawfully made to them of the ſame, according to the Laws of this Realm then ſtanding, ſhall be ever farther altered or quarrelled in any of their ſaid Rights, in any time to come, farther then ſhall be appointed by the ſaid decreet and ſentence to follow upon this preſent Commiſſion; but the ſaids rights and ſecurities in caſe foreſaid, ſhall remain in the own ſtrength, force and effect, as good, lawfull and ſufficient rights and ſecurities to them and every one of them for their own parts, for bruiking and injoying the ſaids teinds, conform to the tenour of the ſaids rights, for now and ever.

ACT

ACT IV.

Anent the ſetting of Taks by Prelats, and others beneficed perſons.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Statutes and Ordains, That no Archbiſhop, Biſhop, or other Prelat within this Realm, ſhall hereafter ſet in tak and aſſedation, any part of their Patrimonie, for longer ſpace then nineteen years. And that no inferiour beneficed perſon, ſhall ſet in tak any part of their benefices, for longer ſpace then their own life-times, and five years after their deceaſe, under the pain of deprivation of the perſons contraveeners from their offices and benefices, and to be repute from that time forth, infamous and incapable of any publick function in the Kirk. And for the better diſcovering of the taks that ſhall be ſet by inferior beneficed perſons, for longer ſpace then is above-written.

It is Ordained, that all the taks that ſhall hereafter be ſet by any of them, for longer ſpace then is before mentioned, ſhall be Regiſtrat in a Book, which the Clerk of Regiſter ſhall keep for that effect, within the ſpace of fourty dayes after the ſetting of the ſame tak, otherwiſe the ſaid tak ſo ſet for longer ſpace, ſhall be null and of no effect to the takſmen thereof, by way of exception or reply, without any other action, proceſſe, or declarator of Law.

It is alwayes declared, that this ſtatute ſhall no wayes be extended to any taks or ſubtaks, or conditions for ſetting of taks or ſubtaks for longer ſpace nor is above-written. Whereas the ſame depends and are made or appointed to be made, conform to the Commiſſion granted by our Soveraign Lord, with advice of the Eſtates of Parliament for plantation of Kirks, in manner as is ſpecially ſet down in the ſaid Commiſſion.

ACT V.

Addition to the Act anent dilapidation of Benefices.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Ratifies and approves the Act of His Highnes Parliament holden at *Perth* the ninth day of July, the year of God 1606. years. Anent the dilapidation of the rents of Prelacies, With this addition, Whereby His Highnes and Eſtates foreſaids, Findes, decerns and declares, all taks or aſſedations to be made of any quotes of Teſtaments, or any other caſualtie pertaining to the ſaids Prelats in time comming, to be null, and of no avail, force, nor effect, and that it ſhall not be lawfull to any Prelat within this Kingdom hereafter to diſpone, alienat or ſet any of his caſualties, in whole or part, longer nor during his own life-time allanerly, but prejudice of the taks, if any be ſet before this Act, as accords of the Law, to the which thir preſents ſhall no wayes be extended.

ACT VI.

Anent furniſhing of neceſſars for miniſtration of the Sacraments.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Ordains that all the Paroch Kirks within this Kingdom be provided of Baſins and Lavers for the miniſtration of the Sacrament of Baptiſme; and of Cups, Tables, and Table-cloathes, for the miniſtration of the holy Communion; which ſhall be received to that uſe by the Miniſter of the Parochin, in ſuch convenient place as he ſhall finde meet, for which he and his heirs and executors ſhall be anſwerable to the Parochin, in caſe the ſame be loſt, or otherways uſed to any profane uſe. And ordains the expences thereof to be made by the Parochiners, and the Miniſters of every Kirk to do their diligence for providing the ſame, by cauſing the Parochiners ſtent and taxe themſelves to the effect foreſaid, betwixt and the firſt of Februar next, under the pain of loſing one

one years ſtipend. And for putting the ſaid act in execution, Ordains the Lords of His *Majeſties*, Councel and Seſſion, to give forth their Letters for charging the Parochiners to conveen and taxe themſelves to the ſaid effect, and make payment of the money wherein they ſhall be ſtented, as the ſame ſhall be required.

ACT VII.

Anent unlaws of abſents from Parliament.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, hes ratified and approven, and by the tenour hereof Ratifies and approves the thirtie fourth act of His Highnes 11. Parliament 1587. intitulat (the unlaw of abſents from Parliament) in the whole heads and clauſes thereof, after the form and tenour of the ſamin in all points; with this addition, that the unlaw of the Commiſſioners of Barons through their abſence from Parliament, ſhall be one hundreth pounds money. And declares that no excuſe ſhall be received nor admitted hereafter for abſence from Parliament, except their Licence be granted by His Highnes under His note and ſuperſcription, if His *Majeſty* be preſent within the Realm for the time. And in His Highnes abſence, by His High Commiſſioner of Parliament: and in caſe of the ſaid Commiſſioners abſence, their Licence to be granted and ſubſcrived by the Lord Chancellour, and Lords of Secret Councell, to be produced judicially the firſt day of the ſenſing of ilk Parliament, to the Clerk of Regiſter and his Deputes. And farther declares, that in time comming it ſhall be lawfull to whatſomever Duke, Marques, Earle, Viſcount, Lord, or Prelat within this Realm, being abſent from the Parliament, and lawfully excuſed, as ſaid is, to ſend a ſufficient power ſubſcryved with their hands to any one of that eſtate, having place and vote in Parliament, who ſhall be admitted to reaſon and vote in Parliament, and whole dyets thereof for that perſon abſent, ſiklike and als freely in all reſpects, as if he had been preſent himſelf. And ordains the ſaid former with this preſent at ilk Parliament, to be execute with all diligence. And the penalties therein mentioned to be up-lifted to our Soveraign Lords uſe, by His Highnes Theſaurer.

ACT VIII.

Anent the Juſtices for keeping of the Kings Majeſties *Peace, and their Conſtables.*

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, having conſidered the Articles and Inſtructions given of before by His *Majeſty* to the Juſtices and Commiſſioners, appointed for keeping of His *Majeſties* Peace, and to their Conſtables which were preſented to His Highnes, and unto the ſaids Eſtates, by the ſaids Juſtices, and deſired to be authorized by decreet and ſentence of Parliament: Hes ratified and confirmed the ſame in manner as they are particularly here ſet down and expreſſed in every point and article thereof, of the which the tenours follows. That is to ſay,

The Commiſſioners and Juſtices of Peace at their firſt admitting upon the Bench, ſhall give the Oath following:

YOu ſhall ſwear, that you as one of the Commiſſioners and Juſtice of Peace within the Shire of &c. according to your knowledge, wit and power, ſhall do equal right both to rich and poor, conform to the Laws and Cuſtoms of the Land and Statutes thereof: And that you ſhall not be of Councel with any perſon in any quarrel or matter depending before you, and that you ſhall every quarter keep the Seſſions, or oftner as you ſhall be required, not having any juſt impediment to the contrary: and ſhall faithfully and truely diſcharge your duetie, as a Juſtice of His Majeſties *Peace, and ſhall leave nothing undone, that may tend to the preſervation of the ſame.* So help you God.

II.

II.

ANy one Juſtice ſhall have power upon complaint of any perſon, being threatned, and fearing to be wronged, to bind the party complained upon, under ſuch a pecunial ſum, to keep the Peace, as he ſhall think fitting. As alſo to commit him, untill ſurety be found by him, the ſaid compleaner alwayes giving his oath before the Juſtice, that he hath juſt cauſe to dread his harm. And albeit no perſon complain, yet if the Juſtice be credibly informed, of appearance of trouble betwixt any parties, he ſhall binde them to the Peace in manner aforeſaid: except the parties declare upon their conſciences, that neither of them doth bear any grudge to other. And all ſuch bands ſhall be kept in record by him, and he ſhall make delivery of the ſame to the Clerk of the Peace, at the next Seſſions, to be kept and regiſtrated by him.

III.

IF any perſon, being charged to make his appearance before a Juſtice of Peace, and ſhall refuſe or delay without cauſe: if the party be a landed Gentleman, whoſe rents exceed ten chalders of victuall, or a thouſand marks of ſilver; then the Juſtice (whoſe command is contemned) ſhall inform the ſame to ſome of the Lords of His *Majeſties* privy Councel, to the effect that the party of the quality foreſaid may be called and fined for his diſobedience. And if the diſobeyer be of meaner degree, the Juſtice ſhall hereby have power to command the next conſtable; or in abſence of a conſtable, his own ſervant, or any other perſon, having a warrand in writ, ſubſcrived by the ſaids Juſtice of Peace, with aſſiſtance of the Countrey, to bring any ſuch party before him.

IV.

IF either the Sheriff or Bailie ſhall condemn any perſon in a bloodwite, or otherwiſe convict him in any pain proper for him to impone, the Juſtice ſhall have no power of new to fine that offender for that offence: but if they ſhall finde him not condignly puniſhed in regard of the offence committed by him, they ſhall then inform His *Majeſties* Councell thereof, that they may take order therewith. And if there be no ſatisfaction made by the Sheriff or Bailie to the party offended, the Juſtices may modifie reaſonable ſatisfaction to the party offended: he purſuing therefore before them, and if they ſhall find the ſatisfaction diſcerned by the Sheriff or Bailie in favours of the ſaid party offended, not condigne nor anſwerable to the offence, and wrong ſuſtained, then they ſhall alſo inform His *Majeſties* Councell thereof, that they may take order therewith as appertaineth.

V.

IF either Sheriff or Bailie, or other Deputies by colluſion with the delinquent; ſhall ſuffer any perſon guilty to be quited or cleared by an aſſyſe (the party once cleared, is not to be brought further in queſtion before the Juſtices) but upon their information, the Judges are to be called, cenſured, and ſeverely puniſhed by His *Majeſties* Councell.

VI.

THe ſaid Juſtices ſhall hereby have power to proceed upon all Perſons; committing ryots, and breaking of the Kings Peace, under the degree of Noblemen, Prelates, Councellors, and Senators of the Colledge of Juſtice: and to puniſh and fine according to the quality of the crime, and the eſtate of the offender. And if any of the ſaid perſons being charged to compear before the ſaid Juſtices, ſhall diſobey the ſummonds being indorſed, the lawfull citation verified and fact proven, the Juſtices ſhall puniſh and fine the not compearing, according to the quality of the crime, and the eſtate of the offender. And for the more clear determination of the order which ſhall be kept by the ſaids Commiſſioners in the deducing of any ſuch proceſs; Our Soveraign Lord, with advice of the Eſtates declareth, That it ſhall be lawfull to the ſaids Juſtices whenſoever they have occaſion to move any action againſt parties for committing any like fact or riot, to refer the firſt ſummonds to the parties oaths of verity (in caſe

caſe of the inlake of other lawfull probation) who being perſonally ſummoned by that firſt citation, ſhall be holden as confeſt, and decreit ro be pronounced againſt him, conforme to the libell and ſummonds. And if he be not perſonally ſummoned by the firſt citation, the laids Commiſſioners ſhall be holden to cauſe ſummon him of new again, by a ſecond ſummonds, at his dwelling place: which two citations ſhall be als ſufficient to infer decreit, and ſentence upon the libell againſt him, as if he were apprehended perſonally. And which ſentence given after the manner and form of approbation abovewritten; His *Majeſty*, with advice foreſaid, authorizes and ſuſtaines as good and lawfull in themſelves. And concerning theſe perſons of higher degree, the ſaids Commiſſioners ſhall uſe all their power for preventing and ſtaying of the riots, commanding the attempters in His *Majeſties* name to ceaſe, and to find caution for keeping of the peace, and for their compearance before His *Majeſties* Counſell. And if any perſon, being charged to find caution, and refuſeth or delayeth to do the ſame, and in the mean time contraveeneth the ſaid charge, by committing of ſome deed betwixt the time of the charge and finding of the caution: nevertheleſſe he ſhall be anſwerable for the paine from the date of the charge, like as if caution had been then found.

VII.

THe ſaids Commiſſioners ſhall put His *Majeſties* Act of Parliament to due and full execution againſt wilfull Beggers and Vagabonds, ſolitarie and idle men and women, without calling or trade, lurking in Ale-houſes, tyed to no certain ſervice, repute and holden as Vagabonds: and againſt thoſe perſons who are commonly called Egyptians; and they ſhall puniſh and fyne their recepters, and ſetters of houſes to them accordingly, by ſuch competent pains as is proper to them to enjoyn.

VIII.

THe ſaids Commiſſioners and Juſtices of Peace are hereby authorized, with power to give order (as they ſhall think moſt convenient, and with leaſt grief to the ſubjects) for mending of all High-wayes and paſſages, to or from any Market town or Sea-port within that ſhire: and ſhal call before them all ſuch perſons as ſhall ſtrait theſe paſſages (or otherwiſe by caſting of Ditches and fuſeis thorow the ſame) ſhall make thoſe High-wayes noyſome and troubleſome unto paſſengers, and ſhall puniſh and fyne them according to the qualitie of their offence. And to the effect it may be known of what breadth all common High-wayes ſhould be to Market townes, our Soveraign Lord, with advice foreſaid, declares, that the ſame ſhould be of twentie foot of meaſure in breadth at the leaſt: and where any are of larger breadth, they ordaine the ſame ſo to remain unaltered or ſtraited: and that the ſaids Juſtices maintaine the ſame; with all other wayes from any town in the Paroch, to the Paroch Churches, in the eſtate as they are: and where they find any neceſsitie of others wayes from any town in the Parochin to Paroch Churches, they ſhall informe His *Majeſties* Secret Councell thereof, who ſhall give them (after ſufficient information) their direction thereanent: according whereunto they ſhal be holden to proceed. And if any perſon refuſe to concur for mending of high-wayes and paſſages, the ſaid Juſtices ſhall have power to cenſure and puniſh them according to their diſcretion: with proviſion alwayes, that if in their proceedings therein, they uſe ſuch ſeveritie or rigour, as may move juſt complaints againſt them; they ſhall be cenſured therefore by His *Majeſties* Secret Councell, as appertaineth.

IX.

THe ſaids Commiſsioners ſhall put His *Majeſties* Acts of Parliament to execution, againſt cutters and deſtroyers of Planting, Green-wood, Orchards, Yards, Haynings, breakers of Dove-houſes and Coningers, ſtealers of Bees and Bee-hyves, uſers of unlawfull games with lying dogs, ſlayers of red and black fiſh and ſmolts in forbidden time, Fowlers fowling in other mens lands, makers

of

of moore-burne and [illegible] truves or nets in waters and dammes, having an[illegible] bidden time: and shall proceed against them accordingly: And for their better warrand to proceed in the premisses, It is his Highnes pleasure, that commission shall be granted to the saids Justices of Peace, to try and punish the violators of the saids Acts, in the tryall whereof they shall proceed by witnesses, by oath of partie, and the punishment to be inflicted by them, shall be a pecuniall summe, answerable to the circumstance of the offence, and the qualitie of the offender; with speciall provision, that their censures and punishment shall extend against none but those against whom by the priviledge of their instructions they may lawfully proceed, and also with provision that the said commissions be not extended to any persons who shall be arrested and conveined for the saids crimes before any other ordinary Judge. It is also provided, that the ordinance and power contained in this Article, shall no wayes be prejudiciall to any other commissions or rights whatsoever, granted to others parties, whereby they have power to proceed and censure the crimes and offences above-written.

X.

ITem, they shall informe the Kings *Majesties* Councell, and his Highnes Thesaurer or Advocate, at the least once every year, of fore-stallers or regraters of Markets, that order may be taken with them conforme to the Acts of Parliament.

XI.

IT shall not be licenced to any Hostler to recept any master-lesse men and Rebels at the Horn, any vagabounds, or other persons guilty of known crimes, or using stouth and reaf, under the paines under-written, To wit, fourty shillings to be incurred by them for the first fault, foure pounds for the second, and ten marks for the third, together with the losing of the libertie of Brewing, the incurrers of the which paines, shall be punished according to the order aforesaid, by the Barons and Masters of the ground whereupon the Hostler dwelleth, within the space of fifteen dayes after the committing of the fact. And if the saids Barons and Heretours neglect to do the same within the said space, it shall be lawfull to the saids Justices to pursue and fyne the Delinquents in their Courts, according to the paines foresaid, and to uplift the same from them: without prejudice alwayes of whatsoever others Acts made against the said Hostlers in the Barons Court-bookes under whom they dwell, bearing any higher pain than as is set down in this above-written Act; and also without prejudice of all action criminall or civill, competent of the law, against the said Hostlers, in case they be under the danger thereof, which shall not be taken away by any punishment set down, and to be inflicted conforme to this Act.

XII.

ITem, they shall informe the Kings Thesaurer and Advocate; of breakers and contraveiners of the Acts of Parliament made against Malt-makers, that the transgressours and contraveiners thereof may be punished conforme to the tenour of the saids Acts.

XIII.

THey shall set down order in the countrey for governance in time of Plague, and shall punish severely the disobeyers of the order appointed by them, according to the quality of the delict.

XIV.

THey shall appoint at their Quarter-Sessions to be kept in August and February, the ordinary hyre and wages of Labourers, Workmen and Servants, and who shall refuse to serve upon the price set down by them, shall be imprisoned, and farther punished at their discretion. And to the effect that servants may be the more willing to obey the ordinances to be made by the saids Justices and the saids fees, the saids Justices shall have power to discerne, and compell the Masters to make payment of the fees appointed by

their ordinance, in case the [illegible]sue for the same before them than any other Judge.

XV.

THe saids Commissioners shal take notice in all Sheriffdomes where there are any Gailes and Prison-houses within any Burgh, that the same may be kept up, and not suffered to decay or become ruinous. And if there be any Shire where there is not any Gaile or Prison-house, they shal inform His *Majesties* Counsel thereof, that they may appoint and give order for building of one within the head Burgh of the Shire, and according to the direction to be given there-anent, the Justice shal be holden to proceed.

XVI.

And because there be a great many of Prisoners apprehended and committed, who having no meanes of their own for their maintenance and entertainment, will otherwise famish and sterve before they can come to their tryall, who not the lesse in regard of the crimes they have committed, can no wayes be put under surety, or otherwise in faults of lesse consequence, are unable to find sufficient caution to be made forth-coming and answerable at the next Sessions. Therefore it shall be lawfull to the saids Commissioners, and Justices in their Quarter-Sessions, to rate every Parochin for a weekly proportion for the entertainment of those poor Prisoners, providing they do not exceed the summe of five shillings, Scots money, at the most, nor under one shilling at the least: which summe shall be up-lifted for that use by the Minister or Reader, who shall serve at every Paroch, from such Deacons who shal be appointed to collect the same: and the saids sums to be delivered by the Constable of the Paroch, at the Quarter-Sessions, in presence of the whole Bench then conveened, to such persons as the saids Justices shal trust therewith, and who accordingly shal make due account in paying the Gailers such rates as shall be allowed for the poor Prisoners, and making the rest forth-coming for such use and intent of the like nature, as the saids Justices shall appoint.

XVII.

ALL Magistrats of Burghs, and keepers of any Gailes or Prisons, shall receive into their Prisons all such persons as either shall be brought by Constables, or sent unto them by warrands, under the hand of any one Justice of Peace (the saids Justices causing satisfie for their entertainment) and if any Magistrates, or their Gailers, suffer any persons, committed by the Justices to their prisons, to escape, they shall be condignely punished therefore, at the discretion of His *Majesties* Councell.

XVIII.

Item, our Soveraign Lord, with advice foresaids, ordains the saids Commissioners to set a price upon Craftsmens work, and upon the ordinars of Penny Brydals, together with the price of Shearers fees, and to punish the contraveeners, as appertaineth.

XIX.

THey shall cause sufficient single and double Ale to be brewed in every Shire, and shall appoint visitors to that effect, with consent of the Baron and Over-Lord of the Ground. They shall set down Acts against notorious and common Drunkards, and impose summes upon the contraveeners, according to their qualities and deserts.

XX.

OUR Soveraign Lord, with advice aforesaid, declareth that the Justices of Peace shall be a full number and Session to decide in matters occurring betwixt the four Quarter-Sessions.

XXI.

ALso declares, that no Letters of Caption ought to be granted against the saids Justices for apprehending of Rebels, except they be found subject to do the same, by possessing of such other Offices and places, to the which the obedience and putting to execution of any such charges doth belong. XXII.

XXII.

AND becauſe there is ſenſible prejudice ſeen and felt through many parts of the Kingdom, by reaſon of the diverſitie of Meaſures and Weights uſed in the ſame, Therefore our Soveraign Lord, with advice foreſaid, for removing of all abuſes, which may enſue in any time to come thereby, Hath found expedient, and by this Decreet and Statute of Parliament, decernes, ſtatutes, and ordaines, That there ſhall be but one juſt Meaſure and Weight through all the parts of the Kingdom, which ſhall univerſally ſerve all his Highnes Lieges, by the which they ſhall ſell and buy, and receive and give out in all times to come: which Meaſure His *Majeſty*, with advice foreſaid, findes, ſhould be that Meaſure of *Linlithgow*, which is now commonly uſed, & which hath been uſed moſt cuſtomably thorow the greateſt part of the Kingdom theſe fiftie or threeſcore yeares bypaſt. And for ſetling of a perfect order, whereby all the Meaſures that are now uſed may be reduced to the conformitie of the ſaid Meaſure now authorized. And for making of proportion anſwerable betwixt the leſſer meaſure and weights, and the greateſt, His *Majeſty*, with advice foreſaid, hath granted full power and commiſſion to Sir *James Weymes* of Boge Knight, Sir *George Auchinleke* of Balmanno Knight, Sir *James Fowles* of Colingtoun Knight, Sir *Robert Steward* of Schillinlaw, Sir *John Wauss* of Barnbarro knight, Sir *William Greirſon* of Lag Knight, and to *James Niſbet* Bailie and Burges of Edinburgh, M. *Alexander Wedderburn* Clerk of Dundie, Sir *Thomas Menzeis* Provoſt of Aberdeen, *James Hammiltoun* Provoſt of Glaſgow, *John Osburn* Burges of Air, and Sir *George Bruce* of Carnok, Burges of Culros.

Whom, or any eight of them, His *Majeſty* with advice foreſaid, ordaines to meet and conveen together at ſuch time and place as they ſhall think expedient and to conſult and adviſe together, and to appoint and determine upon the moſt convenient meanes, how the ſaids meaſures and weights may be reduced to the conformity aforeſaid. And after they have ripely adviſed therewith, and given forth their determination thereanent, they ſhall deliver the ſame, and whole courſe of their proceedings to the Commiſſioners and Juſtices of Peace, and to the Deanes of Guylde of the head Burghs of the Shires, who ſhall be holden carefully to do their diligence, to ſee the meaſure forſaid, now appointed, to have the courſe through all parts, as well Burgh as Landward. And that there may be one conſtant conformity betwixt Burgh and Land, our Soveraign Lord, with advice foreſaid, ordaines the ſaids Juſtices of Peace in Landward, to take tryall of the meaſures and weights uſed in Burgh, and to take Note from the Magiſtrates and Deanes of Guyld of every Town, of the weights and meaſures, and of the number thereof, which the ſaids Magiſtrates and Deanes of Guyld in Burgh, ſhall be holden to ſhew, declare, and give up to them, to the effect the ſaids Judices to Landward, may confer the ſame with the Standard now authorized, and where they find any diſconformity in the ſame, from the ſaid Standard, the ſaids Juſtices ſhall inform the Kings *Majeſties* Counſell thereof, that they may take order therewith as appertaineth. For it is expreſly provided by theſe preſents, that the ſaids Magiſtrates in Burgh ſhall not be permitted to have or uſe any moe meaſures within their Townes, than the number to be profeſſed by them, and given up in Note, to the ſaid Juſtices to Landward, as ſaid is. This alwayes being reſpected, that if the ſaids Magiſtrates within Burgh find any neceſſity for having any moe meaſures then was given up, and uſed by them before, it ſhall be licenced to them to make moe meaſures, they being anſwerable and conform to the Standard, and making the ſaids Juſtices to Landward foreſeen and acquainted therewith, and declaring the number of the meaſures whereof they find the neceſſity of uſe.

The ſaids Juſtices ſhall be holden to give command and direction to their Conſtables, to apprehend and ſuch perſon who ſhall be found contemptuouſly to have diſobeyed the cenſures of the Church, they being lawfully required to do the ſame

XXIII.

THe ſaids Juſtices of Peace, aſwell to Burgh as Land, ſhall conveen and be preſent at the quarter Seſſions of the Shire, where the Burgh and Land lyes, give their oath to the Bench at their admiſſion, make their record, and make payment of the fines intromitted with by them as Juſtices of Peace of that Shire, and to their Collector.

XXIV.

THey ſhall appoint a ſufficient Collector for uplifting of the fines and penalties which they have power to impoſe upon any offender, and are to take caution of him for making due account.

XXV.

THey ſhall have, enduring the time of Seſſions, for every day of their abode (ſo it do not exceed the number of three dayes at the moſt at one time) allowed to every one of them fourty ſhillings, Scots money, daily to be payed and uplifted by the Collector of the fines, but neither Earl, Lord, Biſhop, Privy-councellor, or Seſſioner, ſhall have any allowance: and all ſuch Juſtices as have the benefit of that allowance, and ſhall be abſent from every ordinary Quarter Seſſions, or otherwayes when he is required lawfully by the *Cuſtos Rotulorum*, to any particular meeting, ſhall incur the penalty of fourty pounds, Scots money, not being lawfully excuſed, and the excuſe allowed by the reſt of the Juſtices there aſſembled.

XXVI.

THe Lords of Seſſion ſhall direct general and ſummair charges of horning and poinding at the inſtance of the Collector (appointed in every County for ingathering of all fines and penalties whatſoever incurred) upon ſimple charge of fifteen days, and no ſuſpenſion ſhall be granted, but upon conſignation of the ſums contained in the ſentence, and by finding caution for payment of the charges of the Juſtices at the modification of the Lords.

XXVII.

THe ſaids Commiſſioners at the end of every Quarter Seſſion, ſhall ſend to His *Majeſties* Councel a catalogue of all ſuch perſons as they have either committed, or otherwiſe put under ſurety, with a ſhort abreviate of the cauſe thereof: to the effect, that thereupon the Councell, as they ſhall think expedient, may return to them againſt their next Seſſions, or to the *Cuſtos Rotulorum*, in the mean while their further directions.

Anent Conſtables.

I.

OUR Soveraign Lord, with the advice of the Eſtates, finds and declares, that the Conſtables are to be made choiſe of, by the Commiſſioners and Juſtices of Peace in their Quarter-Seſſions throughout the whole countrey, two at leaſt in every parochin, or moe, according to their diſcretions, having conſideration of the quality thereof. In great towns likewiſe (not being Cities nor free Burghs) they are to appoint a number of Conſtables proportionally to the greatneſs thereof: but in all Burghs Regall, and free Cities, the Conſtables are to be choſen by the Magiſtrates of the ſame; and they are to indure, and to be changed from ſix to ſix moneths.

II.

And who ſhall refuſe to accept the charge, and not to give his oath for dutifull execution thereof, ſhall be impriſoned and fined at the diſcretion of the Juſtice of Peace, at their next ſitting.

III.

III.

The Constables shall take the Oath following.

YOu shall swear that you shall faithfully and truely discharge your office of Constabulary within the Parochin of, &c. *endoring the time appointed to you, and shall not for favor, respect, or fear of any man, forbear to do what becometh you of your office, and above all things you shall regard the keeping and preserving of the Kings Majesties Peace, and shall at every Quarter Sessions and meetings of Justices, give true and due information of any breach which hath been made of his Majesties Peace, within the bounds of your commandement, and shall no way hide, cover, nor conceal the same, nor any of the proofs and evidences which you can give for the clearing and proving thereof*, So help you GOD.

IV.

A Constable may apprehend any suspect man, who for the most part sleepeth all the day, and walketh in the night, and carry him to the next Justice of Peace, to find surety for his good behaviour, or otherwise, to be committed to prison: and if he be a man of quality, the Justice of Peace shall go with the Constable, and do it.

Constables shall stay and arrest all Vagabonds, Sturdy-beggars and Egyptians, and carry them before the next Commissioners of Peace, who shall take order for their committing, or punishment, according to the Statute of Parliament.

V.

Constables shall arrest all idle persons, whom they know to have no means to live upon, and will not take themselves to any labour, trade, or occupation, and shall carry them before the Commissioners of Peace, who after examination, shall either commit them, or take surety of them for their appearance at the next Sessions.

VI.

Any Constable having apprehended a person guilty and culpable of slaughter, murther, theft, or any other capital crime whatsoever, shall then require his neighbours to assist, for safe convoying of such persons to the next Commissioner, who shall then examin the party, and set down his deposition in writing, to be shown at the next Sessions, and thereafter shall send him back to prison. And if a Nobleman, Prelate, or small Baron, or any in their names, having power, shall acclaime the right of Jurisdiction to proceed against the delinquent: The said Justice shall receive surety of the said party, who required the defender to be delivered to him, that justice shall be duely ministred, and cause delivery of the said person, be made to him. Always the said Commissioner of Peace, at the next Sessions, shall certifie the whole matter to the Bench: to the effect they enquire whether justice hath accordingly been ministred; and if any fault be found, to advertise His *Majesties* Councell, that order may be taken therewith.

VII.

Any of His *Majesties* Subjects of the degree of Yeomen, who shall refuse or delay to concurr with the Constable in the executing of his office, shall be imprisoned and punished by the Commissioners and Justices: and if he be of an higher degree and quality, the Constable shall inform the Justice thereof, that they may make the Lords of Privy Councell acquaint, whom the Estates ordains to censure the offender according to the quality of the fault.

VIII.

A Constable shall arrest any person of the degree of a Yeoman, who shall be found wearing Hagbuts, Pistolets, and Daggers, and shall carry them before a Commissioner of Peace, who is either to take surety for their appearance the next Session, or commit them prisoners till they do the same: but if the person be of higher quality, the Constable shall inform the Justice thereof, who shall delate the same to His *Majesties* Councel, that order may be taken therewith.

IX.

IX.

If any party of degree of Yeomen, do complain to a Conſtable, that he is threatned by any other, then ſhall the Conſtable apprehend the threatner, and carry him, with the party complainer, before the next Commiſſioner of Peace: and if he refuſe to go, then ſhal they carry him to priſon. And if he be of an higher degree, the Juſtice being informed thereof, ſhall inform the Councel, and in the mean time, charge the party to peace.

X.

All the Conſtables, at the leaſt one of every paroch, inſtructed with commiſſion, to anſwer for the reſt within the ſaid paroch, ſhall attend at every Quarter Seſſion, there to give information of all ſuch miſdemeanors as have happened in thoſe bounds ſince the laſt Seſsion, and otherwayes to give to the Bench further ſatisfaction in any thing wherein they ſhall be required: and to receive from the ſaids Commiſsioners, at the end of the Seſsion, ſuch orders and directions as they ſhall then injoyn, and appoint them to do.

XI.

Upon the appearance of any Fray or ſtir betwixt parties, the Conſtable may take the aſsiſtance of his neighbours, for ſundring of the parties: and if there be any harm done to the Conſtable, or any of his aſsiſtants, by them who made the effray, they ſhall be puniſhed by the Juſtices at the next Seſsion, they being of the quality of Yeomen, and being of an higher quality, the Councel ſhall be informed thereof, as ſaid is.

XII.

When any have made an effray, and then flee to an houſe, the Conſtables may follow to the houſe, and if the doors be ſhut, he ſhall take notice of the maſter of the houſe, and require witneſs thereon. And albeit the delinquent ſhall flee further without the bounds of the Conſtables charge, yet may the Conſtable follow, and apprehend him in a freſh purſuit, and crave concurrence of the Countrey to that effect.

XIII.

The Conſtables within every parochin, ſhall be executors of the precepts and warrands of the Iuſtice of Peace.

XIV.

Concerning the Fees and ſatisfaction to be given to the Conſtables and Clerks for their pains: Our Soveraign Lord, with advice foreſaid, ordains the ſaids Juſtices to give up particular Notes in writ to the auditors of His *Majeſties* Checker, of the fines inbrought to them, that out thereof ſuch meaſure and ſatisfaction may be appointed and given to the ſaids Clerks and Conſtables, as may recompence their travels, wherein if it ſhall be found that the ſaids fines will not be ſufficient, the ſaids Lords of His Highnes Checker, ſhall appoint ſuch further ſatisfaction to them, as in their diſcretion they ſhall think their labours and diligence doth deſerve, and cauſe them be payed of the ſame. And notwithſtanding of this above written Act, and all the particular foreſaids contained in the ſame: Our Soveraign Lord, with the advice and conſent of the ſaids Eſtates, ſtatutes, decerns, and declares, That the erection of the ſaids Commiſsioners and Juſtices of Peace, and grant of juriſdiction and priviledges to them, nor the making or approbation of the particular Articles above written, introduced in their favours, nor any thing therein contained, ſhall be in any ſort derogatory or prejudicial to the rights, priviledges, or liberties granted or beſtowed by His *Majeſtie*, or his Highnes Royall Predeceſſors of before to any of His *Majeſties* Subjects, of whatſoever eſtate or quality, from the higheſt to the loweſt: But declares, that the ſaids rights, priviledges, and liberties, ſhall remain in their own integrity, ſafe, and intire, and unhurt, or prejudged by the premiſſes, or any thing expreſſed in the ſaids Articles, and every one of them, and are holden as ſpecially reſerved and excepted out of the ſame.

And leaſt this above written reſervation ſhould ſeem altogether to deſtroy the

power

power granted to the ſaids Juſtices, or ſhould beget controverſies betwixt them, and any other having [illegible] jurisdiction, as ſaid is: Our Soveraign Lord, with advice foreſaid, for removing of all queſtion, which may ariſe betwixt them thereanent, Declares, that it ſhall not be lawful, nor permitted to the ſaids Juſtices, to make any citation of any [illegible] their court, till the expiring of the ſpace of fifteen days, after the [illegible] fact, for which the committer is to be conveened, at the compleat out-running of the which ſpace, if any, having power and juriſdiction, as ſaid is, hath obtained and neglected to uſe and exerce the priviledge and liberty of their right and power, it ſhall then be lawfull to the ſaids Juſtices, to make citation, and to proceed againſt the parties, according to the power and authority given to them by His Highnes, with advice foreſaid, and conform to the particular Articles above-written, in all points, and no otherwayes.

Which all and ſundry the premiſſes, Our Soveraign Lord, with advice and conſent foreſaid, ratifies and approves, in all points in manner as the ſame proports, and gives unto them the ſtrength and force of acts and Ordinances of Parliament, and ordains execution to paſſe upon the ſame as effeirs.

ACT IX.

Anent teinding of Corns.

FOraſmuch as by divers and ſundry Acts of Parliament made of before, anent the order and manner of teinding of Corns, and ſpecially by the eighth act of His *Majeſties* xviii. Parliament, holden at *Perth*, upon the ninth of *July*, 1606 and ſenſine by the fifth act of the xxi. Parliament, holden at *Edinburgh*, upon the 23. of *October*, 1612. the manner and form of teinding, and the time and ſpace appointed, for requiſition to be made for the ſame, is at length ſet down: in the which acts is ſtatute and ordained, That all Corns ſhall be teinded at three ſeveral times in the year, if the owners thereof thinks expedient: to wit, the croſt in-field corn at one time, the Beer at another time, and the out-field corn at the third time, as the ſaids acts proports: Nevertheleſs, Our Soveraign Lord, for the greater well and eaſe of His *Majeſties* Lieges, finding it requiſite, that the former acts be altered in the points following, for ſetling of a clear and certain order, to be hereafter obſerved, in all teinding of Corns, Hath with advice and conſent of the Eſtates of Parliament, ſtatute and ordained, That it ſhall be lawfull to all heritors and labourers of the ground, eight dayes being expired after the compleat ſhearing of every one of the three ſorts of Corns above written, to require the owner of the teind, at his dwelling place, within the parochin: and incaſe of his not dwelling therein for the time, his factor and ſervant, or other perſon (who is ordained to be conſtitute, and ſpecially deſigned by him in manner after mentioned) upon the premonition of four dayes, to come and make thankfull teinding of the ſaids Corns: who failing to do the ſame, and neither the owner of the teind, his ſelf, nor the other perſon appointed, to be deſigned by him, as is underwritten, comming and making the ſaid thankful teinding, being ſo lawfully required:

Our Soveraign Lord, with advice and conſent of the ſaids Eſtates, declares, That it ſhall be lawful to the ſaids Heritors and labourers of the ground, to ſeparate the ſtock from the teind, and to lead and carry their ſtock away, and either to ſtack the ſame within their Barn-yards, or to place the ſame in their barns, leaving the teind upon the ground, which they ſhall be holden to preſerve and keep undeſtroyed or eaten by beaſts, for the ſpace of eight dayes after the expiring of the time of the ſaid requiſition: Which Corns being ſo led and ſtacked, or placed in barns, and the teind being left on the ground, and preſerved as ſaid is, Our Soveraign Lord, with advice and conſent foreſaid, declares, It ſhall be ſufficient to liberate them of all danger of ſpuilzie, or wrongous intromiſſion,

miſſion; which may be moved againſt them therefore, in any time to come: And for more clear explana[illegible] ſtatutes and ordains, the owner of the ſaids teinds, if he [illegible] within the ſaid Parochin (whoſe dwelling there [illegible] premonition to be made to himſelf at his dwelling place, as ſaid is.

To deſig[illegible] ſpecial ſervant and factor for him, to whom the ſaid premonition ſhall be made in his abſence, who ſhall have his remaining either in ſome certain houſe, within the Parochin, or in the next moſt eweſt and adjacent clachan, whoſe name and particular place of reſidence, the ſaid owner of the teinds ſhall cauſe publickly intimate in the Pariſh Kirk, either upon the laſt Sunday of July, or the firſt Sunday of Auguſt yearly, in preſence of the Paroſhin and Miniſter of the Paroſhiners, that no ignorance may be pretended thereof: which factor ſo deſigned, ſhall be warned either perſonally if he can be apprehended, or by intimation to be made to the Miniſter of the Pariſh, and at the foreſaid place to be deſigned for the factors remaining: which requiſition ſo made, our Soveraign Lord, with advice foreſaid, declares, ſhall be als ſufficient, as if the ſame were made to the teind-maſter himſelf: Likeas it is declared, that (incaſe of the teind maſters, not dwelling within the Parochin, as ſaid is) if the ſaid deſignation been or made of the ſaid factors name, and place of remaining, at the time, and in maner as is before ordained, it ſhall be then alſo lawfull, the ſaids eight dayes and foure dayes being bypaſt, to the owners of the Corns, to ſeparate the ſtock from the tiend, and to lead, ſtack, and place their ſtock in their barns or barn-yards, as ſaid is, leaving the teind upon the ground, and preſerving the ſame in manner before ſpecified: Which being done, they ſhall be likewiſe free of all actions of ſpoilzie, or wrongous intromiſſion, which they thereby may incurre. It is alwayes provided, by our Soveraign Lord, with advice of the ſaids Eſtates, That whereas by this Act and Statute requiſition is not ordained to be made till the expiring of eight dayes after the compleat ſhearing of every one of three ſorts of the cornes before ſpecified: yet notwithſtanding thereof, the ſaids Eſtates declares, That albeit the tenth part of every ſort of the ſaids cornes, or about the tenth part be ſtanding unſhorn and uncutdown, the not ſhearing of that quantity, ſhall be no cauſe nor impediment to ſtay the owner to make the requiſition: neither ſhall the ſame furniſh any lawfull excuſe to the teind-maſter, upon the pretext whereof he ſhould refuſe teinding for the reſt: but declares this Act to be effectuall, and to have the own force, albeit the tenth part, or about the ſame, remain unſhorn, as ſaid is: the ſaids heritors, or labourers, uſing the like order of requiſition thereafter for teinding of the ſaids unſhorn cornes, the time when the ſame are ready.

ACT X.

Anent the poor.

FOraſmuch as there hath been divers worthy Laws and Statutes made by His *Majeſty*, and his Highnes Predeceſſours, for reſtraining of idle and maſterfull Beggers: and that notwithſtanding thereof, the number of the ſaids Beggers hath daily increaſed, more and more: and His *Majeſty*, and Eſtates, conſidering, that the cauſe of the multiplying of the ſaids Beggers, hath, and doth proceed from this ground, That no order hath been taken in by-gone time, with the poor Children and Orphans, born of poor and indigent Parents, who being tollerated, or neglected, at their firſt entry to begging, doth contract ſuch a cuſtom and habite, that hardly they can be drawn thereafter to any other calling: whereas if the ſaids Children were in their tender years put to work, and imployed, and trained up in any commendable labour, might thereafter not onely relieve the countrey of their charges, but alſo prove profitable to the common-wealth: which might be eaſily performed, if the ſaids poor children

were

were taken off the hands of their Parents, by ſome of His *Majeſties* well-affected ſubjects in particular, or by any of the incorporations and Burghs within this His *Majeſties* Kingdom in common, and imployed in ſome calling or vocation, that might tend to the good of the Realm: Therefore, His *Majeſty*, with advice and conſent of the Eſtates, doth in moſt earneſt manner, recommend to all his Highnes loving Subjects, requeſting them, as they tender the good and honour of the Realm, to receive within their houſes and family, and to take upon their care, intertainment, and education, ſome of the ſaids poor and indigent children, one or moe, every perſon according to his power and faculty: Likeas His *Majeſty*, with advice foreſaid, for the further ſecurity of his Highnes Subjects, findes and declares, that it ſhall be lawfull to his Highnes Subjects, to take the ſaids poor children in their power, houſes, and family, to be educate, and brought up by them, either in their houſes, or to be put by them to ſuch Crafts, callings, and vocations, either within the countrey, or without the ſame, as they pleaſe: Which children ſo received, ſhall be oblieged and bound, as ſervants, to the receivers, in manner, and during the time after ſpecified: It is alwayes declared, that the condition of the ſaids children, which ſhall be ſo received by His *Majeſties* Leiges, and the manner of their delivery to them, ſhall be as followeth: That is to ſay, That they be ſuch as who ſhall be found and tryed to be poor and indigent, and to have no meanes for their entertainment, and that by the declaration of the Provoſt and Bailies, and by the Seſſion of the Kirk, within Burgh, or by either of them: and the Seſſions of the Kirks in Landward, where the ſaids poor children remaines, or are found to be for the time: and if the ſaids poor children be within the age of fourteen years, they ſhall be delivered to his Highnes Subjects, by the Magiſtrates within Burgh, or by the Seſſion of the Kirk and Parochin where they remain, with conſent of their parents, if they have any known within the Parochin for the time: otherwiſe ſhall be delivered by the ſaids Magiſtrates and Seſſion of the Kirk alone, or either of them, as ſaid is: And if they be paſt the age of fourteen years, that their own conſent ſhall be taken thereto, by the advice of the ſaids Magiſtrates and Seſſion of Kirk, or either of them, as ſaid is: who at the delivery of the ſaids poor children, to his Highnes Subjects, ſhall give a teſtimoniall, under their, or their clerks hand writs, of the eſtate, quality, and condition foreſaid, of the ſaids poor children, and of their delivery to their maſters: Which teſtimoniall of the ſaids Proveſts, Bailies, and Seſſion of the Kirks, bearing the ſaid tryall and delivery, his Highnes, with advice and conſent of the Eſtates foreſaids, findes and declares, ſhall be a ſufficient warrand to the receivers, for brooking the benefit of this preſent Statute: And to the effect his Highnes Subjects may be moved hereto, by the expectation of the commodity and advantage which they may reap by the labours and ſervice of the ſaids poor children: His *Majeſty*, with advice of the ſaids Eſtates, ſtatutes and ordaines, that the ſaids poor children, received by any of his Highnes Subjects, upon the teſtimoniall of Proveſt, Bailies, or Seſſion of Kirks, in manner above ſpecified, ſhall be bound and aſtricted to their ſaids maſters, their heirs and aſſignayes, in all kind of ſervice, which ſhall be injoyned to them, untill they paſſe the age of thirty years compleat, and that they ſhall be under diſcipline to their ſaids maſters, and their foreſaids; and ſubject to their corrections and chaſtiſements, according to the merits of their offences, in all manner and ſort of puniſhment, the life and torture excepted. Likeas it is declared, that whatſoever the ſaids ſervants gaines, or wins, by their travels, during the ſaid ſpace, ſhall appertain properly to their ſaids maſters and their foreſaids: And if it ſhall happen the ſaids ſervants to abſent themſelves from their ſaids maſters ſervice, without their licence, then in that caſe they ſhal be oblieged to refound to their ſaids Maſters the whole damnage and intreſſe ſuſtained by them, through their abſence, upon the declaration of the ſaids Maſters, without any further probation, by and attour the bodily

punishment to be laid upon them at their returning, by the discretion of their saids Masters: And if it shall happen them to be received by any other persons, the saids recepters shall be oblieged to restore them again to their saids Masters, within twelve houres after they be required to that effect, personally, or at their dwelling places, in presence of a Notar, and two witnesses, and if they failzie, they shall pay, after every requisition, ten shillings daily, ay and till they be restored, and that without prejudice to the saids Masters, to call and pursue for delivery of their said servants, before the ordinary Judge, as accords of the law, and for the damnage and skaith sustained by them, through the want of their saids servants, during the space of their absence, after the said requisition.

ACT XI.

Anent the Queens Majestie her Counsell.

OUR Soveraign Lord, with advice and consent of the Estates of Parliament, ratifies and approves the Letter of Nomination made by his Highnes deareſt Spouse, *Anna*, by the Grace of GOD, Queen of Great *Britain*, *France*, and *Ireland*: of the date the xxvi. day of April last by-past: whereby her *Majesty*, with his Highnesse consent, hath nominated, and appointed, Sir *George Hay*, of Nather-life, Clerk of the Register, Sir *William Oliphant* of Newtown Knight, our Soveraign Lords Advocate: Sir *Alexander Drummond* of Medope Knight, and Sir *William Seaton* of Kylsmore Knight, to be four of her *Majesties* Counsell, in place of the other foure of before deceased: and hath adjoyned them to the other three of her *Majesties* Counsell, as yet alive: to wit, *Alexander* Earl of Dumfermling, Chancellor: *Thomas*, Lord Binning, Secretary: and Sir *Peter Young*, Elemosyner to His *Majesty*, as in the said Letter of Nomination, of the date foresaid, at more length is contained. And His *Majesty*, with advice of the Estates foresaids, wills, declares, and ordaines, that the saids Counsellers, at the least four of them, the said Lord Chancellor being alwayes one of the said four, shall have the guiding, government, and administration of the estate, living, and affaires, appertaining to his said Highnes deareſt Spouse within the Kingdom of *Scotland*: in the same manner and form as is set down in the Act of Parliament, made in the Moneth of *July*, 1593. years: and under the provisions and conditions expressed in the said Act of Parliament: which His *Majesty*, with advice foresaid, holds as herein expressed: and whensoever it shall happen any of the saids seven Counsellers, one, or moe, to depart this life, His *Majesty*, with advice foresaid, wills and grants, that it shall be lawfull to her Highnes, to nominate and appoint others in place of the persons deceasand, to the effect above contained: Likeas His *Majesty*, with advice foresaid, now as if the said nomination were made, and then as now ratifies and approves the same, and declares the same to be as valide and effectuall, as if the same were made with consent of his Highnes, and advice of the Estates foresaids.

ACT XII.

Anent prescription of heritable Rights.

OUR Soveraign Lord, considering the great prejudice which His *Majesties* Lieges sustaines in their Lands and Heritages, not only by the abstracting, corrupting, and concealing of their true evidents, in their minority, and lesse age, and by the amission thereof, by the injury of time, through War, Plague, Fire, or such like occasions: but also by the counterfeiting and forging of false evidents

and

and writs, and concealing of the ſame to ſuch a time, that all means of improving thereof is taken away: whereby His *Majeſties* Lieges are conſtitute in a great uncertainty of their heritable Rights, and divers pleas and actions are moved againſt them, after the expiring of thirty or fourty years: which nevertheleſſe by the civil law, and by the laws of all Nations, are declared void, and uneffectuall: And His *Majeſtie*, according to his fatherly care, which His *Majeſty* hath, to eaſe and remove the griefs of his Subjects, being willing to cut off all occaſion of pleas, and to put them in certainty of their heritage, in all time comming: Therefore His *Majeſty*, with advice and conſent of the Eſtates of Parliament, by the tennor of this preſent Act, ſtatutes, findes, and declares, That whatſoever His *Majeſties* Leiges, their predeceſſors and authors hath brooked heretofore, or ſhall happen to brook in time comming, by themſelves, their tennents, and others, having their Rights, their Lands, Baronies, Annelrents, and other Heritages, by vertue of their heritable infeftments, made to them by His *Majeſtie*, or others their ſuperiors and authors, for the ſpace of fourty yeares, continually and togither, following, and inſuing the date of their ſaids infeftments, and that peaceably, without any lawfull interruption made to them therein, during the ſaid ſpace of fourty yeares, that ſuch perſons, their heirs and ſucceſſours ſhall never be troubled, purſued, nor inquieted, in the heritable right and property of their ſaids lands and heritages foreſaids, by His *Majeſty*, or others, their ſuperiours and authors, their heirs and ſucceſſours, nor by any other perſon, pretending right to the ſame: By vertue of Prior infeftments, publike or private, nor upon no other ground, reaſon or argument, competent of law, except for falſehood: Providing they be able to ſhew and produce a Charter, of the ſaids lands, and others foreſaids, granted to them, or their predeceſſours, by their ſaids ſuperiours, and authors, preceeding the entry of the ſaids fourty yeares poſſeſſion, with the inſtrument of ſeaſing following thereupon: or where there is no Charter extant, that they ſhew and produce inſtruments of Seaſing, one, or moe, continued, and ſtanding togither, for the ſaid ſpace of fourty yeares, either proceeding upon retours, or upon precepts of *clarè conſtat*. Which rights His *Majeſty*, with advice and conſent of the Eſtates foreſaids, findes, and declares, to be good, valide, and ſufficient rights, (being claid with the ſaid peaceable, and continuall poſſeſſion of fourty yeares) without any lawfull interruption, as ſaid is: for brooking of the heritable Right of the ſame lands, and others foreſaids. And ſicklike His *Majeſty*, with advice foreſaid, ſtatutes and ordaines, that all actions competent of the law, upon heritable Bands, Reverſions, Contracts, or others whatſoever, either already made, or to be made after the date hereof, ſhall be purſued, within the ſpace of fourty years, after the date of the ſame: except the ſaids Reverſions be incorporate within the body of the infeftments, uſed and produced by the poſſeſſour of the ſaids lands, for his title of the ſame, or regiſtrated in the Clerk of Regiſter his books: in the which caſe, ſeeing all ſuſpition of falſehood ceaſes moſt juſtly, the actions upon the ſaids Reverſions, ingroſſed and Regiſtrated, ought to be perpetuall: exceping always from this preſent Act, all actions of warrandize, which ſhall not preſcribe, from the date of the Band, or Infeftment, whereupon the warrandize is ſought: but only from the date of the diſtreſſe, which ſhall preſcribe, it not being purſued within fourty years, as ſaid is. And ſicklike it is declared, that in the courſe of the ſaids fourty years preſcription, the years of minority, and leſſe age, ſhall no wayes be counted, but only the years during the which the parties againſt whom the preſcription is uſed and objected were majors, and paſt xxi. yeares of age. And His *Majeſty*, being carefull, that no perſon, who hath any juſt claime, be prejudged of their actions, by the preſcription of forty yeares, already run and expired, before the date of this preſent Act: Hath with advice foreſaid, granted

full liberty and power to them, to intent their ſaids actions, within the ſpace of thirteen years, next following the date hereof: which ſhall be als effectuall, as if the ſame had been intented within the ſaid ſpace of fourty years, preſcribed by this preſent Act. After the expiring of the which thirteen yeares, this preſent Act ſhall have full force and effect, after the tennor thereof in all points. And nevertheleſſe it is declared, that the perſons, at whoſe inſtance the foreſaids actions ſhall be moved, and intented within the ſaid ſpace of thirteen yeares, ſhall not be compelled to inſiſt in the ſaids actions, at the deſire of their parties, upon the firſt ſummonds and citation thereof only, except that the ſaids firſt ſummonds be called and continued, and the defenders of new ſummond thereby: in the which caſe, and no otherwayes, it is declared, that they may be compelled to inſiſt at the inſtance of the party, having entreſſe.

ACT XIII.

Anent reduction of Retours, and ſummonds of Errour.

FOraſmuch as by Act of Parliament, made by His *Majeſties* moſt Noble Progenitour, King JAMES the fourth, of worthy memory, upon the 13. day of June, 1494. it was ſtatute and ordained, that all ſummonds of Errour, or inordinate proceſſe, be purſued within the ſpace of three yeares, after the determination of the inquiſt, or ſervice: the party being of lawfull age, and within the Realm, otherwiſe to preſcribe, as in the ſaid Act and Statute at more length is contained. And becauſe the true meaning and intention of the ſaid Act, was, That our Soveraign Lords Lieges, being upon the ſaid inquiſt and ſervice, ſhould not lye under the pain and danger of Error, after the ſpace of three years, and no wayes to hurt or prejudge the righteous heir, and neareſt of kin, who by the Law of God and man, was to ſucceed in the right of blood and ſucceſſion to their predeceſſours, and to their lands and heretages, *Jure ſanguinis*. Therefore our ſaid Soveraign Lord, with advice and conſent of the Eſtates foreſaids, Statutes and Ordains, That the ſaid Act of Parliament ſhall no wayes hurt nor prejudge the neareſt of kin to ſeek reduction of the ſaids Retours, and ſervice, to be paſt and exped in time comming, and that within the ſpace of twenty years, immediatly following the date of the ſaids Retours and ſervices: and if the ſaids ſummonds of Reduction, be not intended, executed, and purſued, before the expiring of the ſaids twenty yeares, that the ſaid action of Reduction of the ſaid Retour and ſervice, ſhall preſcrive in the ſelfe, and no party to be heard thereafter to purſue the ſame Reduction: And als declares, that hereafter it ſhall no wayes be lawfull to purſue the perſons of inqueiſt for wilfull errour, except they be purſued therefore within the ſpace of three yeares next after the date of the ſaid Retour and ſervice: it is alwayes declared, that theſe preſents ſhall no wayes be prejudiciall to whatſoever perſons, who have acquired Rights of lands and heritages before the date hereof, *bona fide*, from perſons already retoured thereto in any time by-gone: but the ſaids perſons, who have, *bona fide*, acquired to brook their Rights, according to the law then ſtanding.

ACT XIV.

Anent Executours.

OUR Soveraign Lord, underſtanding that a great number of ignorant people the time of their ſickneſſe and diſeaſe, or otherwiſe at the making of their Teſtaments and latter Wills, do nominate certain ſtrangers to be their Executors, meaning only to commit the care of their goods, and diligent in-getting thereof, to the ſaids ſtrangers, and that to the behoof of their children, or other perſons who are neareſt of kin: Whereas by the contrary, the ſaid Office of Executry, by the interpretation now obſerved, doth carry with it the whole profit and commoditie of the defuncts part of the goods contained in Teſtament: which His *Majeſty* findes to be altogether againſt law, conſcience, and equity:

There-

Therefore His *Majeſty*, with advice and conſent of the Eſtates of Parliament, findes and declares, that all Executours, already nominate in any Teſtament, not as yet confirmed, or to be nominate in any Teſtament to be made hereafter, are, and ſhall be obliged, to make count, reckoning, and payment of the whole goods and geare appertaining to the defunct, & intrometted with by them, to the wife, children and neareſt of Kin, according to the diviſion obſerved by the Laws of this Realm: reſerving onely to the ſaids Executors the third of the defuncts part, all debts being firſt payed and deduced, without prejudice alwayes to the ſaids Executors of whatſoever Legacies left to them by the ſaids defuncts: which ſhall no wayes be prejudged by this preſent Act: but the ſaids Executors ſhall have full right to their ſaids Legacies, albeit the ſame exceed the ſaid third of the defuncts part: and incaſe the ſaids Legacies exceed the whole third part, the ſaids Executors ſhall have right to the whole Legacie, and no part of the third: With this expreſſe declaration, That where Legacies are left to the Executors, they ſhall not fall both the ſaids Legacies and a third by this preſent Act, but the ſaids Legacies ſhall be imputed and allowed to them in part of payment of their third.

ACT XV.

Anent the Eſcheat of Life-rent Tacks.

OUR Soveraign Lord, having conſidered that there hath been divers queſtions moved before the Lords of His *Majeſties* Councell and Seſſion, touching the Eſcheat of Life-rent tacks of lands and teinds, fallen by the rebellion of the perſons to whom the ſame appertained: and that it hath not yet been clearly decided, whether a Life-rent tack ſhould fall under the gift of a ſimple Eſcheat, or not: For the better clearing whereof in all time comming, our Soveraign Lord, with advice of the Eſtates of this preſent Parliament, declares, ſtatutes, and ordains, that Life-rent tacks of lands, or teinds, ſhall not fall under a ſimple gift of eſcheat, but under the gift of a Life-rent eſcheat onely: And farther, In caſe any tacks of lands, or teinds, contain moe Life-rents nor one: and that the perſon to whom the ſaid tack appertaineth in life-rent, be Rebel, attour the ſpace of year and day, wherethrough he loſes his Life-rent of the ſaid tack. It is hereby declared, that the remanent Life-renters contained in the ſaid tack, nor the heires or aſſignayes of the Rebell, who have right to the ſaid tack, after the ſaid Rebells deceaſe, ſhall not be prejudged by the ſaid Life-renters Rebellion; ſo that, after his deceaſe, the ſaid perſon, having right to the ſaids tacks, ſhall brook and injoy the ſame, notwithſtanding the ſaids Life-renters rebellion attour the ſpace of year and day: which rebellion ſhall prejudge himſelf onely, and no other perſon ſucceeding to him in the right of the ſaid tack.

ACT XVI.

Anent the regiſtration of Reverſions, Seaſings, and others Writs.

OUR Soveraign Lord, conſidering the great hurt ſuſtained by His *Majeſties* Lieges, by the fraudulent dealing of parties, who having annallied their Lands, and received great ſummes of money therefore, Yet by their unjuſt concealing of ſome private Right formerly made by them, render the ſubſequent alienation done for great ſums of money, altogether unprofitable: which cannot be avoided, unleſſe the ſaids private Rights be made publick and patent to his Highnes Lieges: For remedy thereof, and of many inconvenients which may enſue thereupon; His *Majeſty*, with advice and conſent of the Eſtates of Parliament, ſtatutes and ordeins, That there ſhall be an publick Regiſter, in the which all Reverſions, Regreſſes, Bands, and Writs for making of Reverſions or Regreſſes, aſſignations thereto, diſcharges of the ſame Renunciations,

of

of wodſets, and grants of Redemption, and ſiklike all inſtruments of Seaſing ſhall be Regiſtrat within threeſcore dayes after the date of the ſame. It is alwayes declared, that it ſhall not be neceſſar to Regiſtrate any Bands and Writs for making of Reverſions, or Regreſſe, unleſſe Seaſing paſſe in favours of the parties, makers of the ſaids Bands or Writs: in the which caſe it is ordained, that the ſame ſhall be Regiſtrate within threeſcore dayes after the date of the Seaſing. The extract of the which Regiſter ſhall make faith in all caſes, except where the writs ſo Regiſtrated, are offered to be improven. And if it ſhall happen any of the ſaids Writs, which are appointed to be Regiſtrated, as ſaid is not to be duely Regiſtrated within the ſaid ſpace of threeſcore dayes: then, and in that caſe, His *Majeſty*, with advice and conſent foreſaid, decernes the ſame to make no faith in Judgement by way of action or exception in prejudice of a third party, who hath acquired a perfect and lawfull Right to the ſaids Lands and Heritages: But prejudice alwayes to them to uſe the ſaids Writs againſt the partie maker thereof, his heires and ſucceſſours. It is alwayes declared, that this preſent Act ſhall no wayes be extended to inſtruments of Seaſing, and Reverſions therein conteined, given by Proveſt and Bailies of free Burghs Royall, of lands lying within their Liberties and Freedomes, halden by the ſaids Burghs in free Bourgage of His *Majeſty*, nor to na other heritable Writs thereof, nor yet to Reverſions incorporate in the Body of the Infeftments, made to the perſons againſt whom the ſaids Reverſions are uſed. It is alſo declared, that if any Renunciations or Grants of Redemption, which ſhall happen to be conſigned in proceſſe betwixt parties, ſhall be Regiſtrat within threeſcore dayes after the dates of the decreets whereby the ſame ſhall be ordeined to be given up to the parties having right thereto, the ſame ſhall be ſufficient. And to the effect the ſaid Regiſter may preſently and in all time comming be the more faithfully keeped: Therefore our ſaid Soveraign Lord, with advice and conſent foreſaid, ſtatutes and ordeins the ſame Regiſters and Regiſtrations foreſaids, to be inſert therein, to appertain and belang to the preſent Clerk of Regiſter, and his Deputes to be appointed by him to that effect. And decernes and ordeines the ſame Regiſters to be annexed and incorporate with the ſaid office, and that the Clerk of Regiſter, preſent, and to come, have the ſaid Office as an proper part and pertinent of the Clerk of Regiſter his office, make and conſtitute particular deputes, one or moe for all the dayes of their life-times, or otherwiſe as he ſhall think expedient, of good fame, literature, and converſation, for whom he ſhall be anſwerable, and who ſhall be reſident within the towns and places after-ſpecified, at all times to receive fra the parties their Evidents, and to Regiſtrat the ſame within the ſpace of fourtie eight houres next after the receipt thereof, and to ingroſs the whole body of the writ in the Regiſter, under the pain of deprivation of the Clerk of his place and ſervice, and of the office of Notary in all time thereafter. And within the ſame ſpace ſhall deliver to the preſenter of the ſamin, their Evidents marked by him, with the day, moneth, and year of the Regiſtration, and in what leaf of the book the ſame is Regiſtrat: and ſhal take allannerly for his pains twenty ſix ſhillings eight pennies money of this Realm, as the price of ilk leaf of his Regiſter, containing no leſs then is in this preſent Act: and in caſe the leaf contain leſs, to take leſs accordingly, and ſo proportionally for every page of the leaf, and part of the page, and according thereto ſhall take for Regiſtring of every one of the ſaids Evidents. And the ſaids Regiſters to be filled by the ſaids Deputes to be marked by the Clerk of Regiſter and his Deputes to be appointed by him to that effect, with a note of the particular number of the leaves that the ſame ſhall contain; and the ſaids Regiſters after the filling of the ſame to be reported to the ſaid Clerk of Regiſter, to remain with him and his Deputes, and be patent to all our Soveraign Lords Lieges, and extracts thereof to be given by him and

his

his Deputes to be appointed by him, during all the dayes of their lifetime, or otherwayes as he ſhall think expedient for that effect, to all ſhall have adoe with the ſame, which ſhall make as great faith, as the principalls, except in caſe of improbation. And the ſaids Regiſters for the greater eaſe of the Leiges, to be eſtabliſhed in the particular places following: That is to ſay, One in the town of Kirkwall in Orkney, for the whole lands lying within the bounds of the Sheriffdoms of Orkney and Zetland: and one in the Burgh of Innernes, for the whole lands lying within the Sheriffdoms of Innernes, and Cromarty. One in the Burgh of Elgin, for the whole lands lying within the bounds of the Sheriffdom of Forres and Nairn. One in the Burgh of Aberdene, for the whole lands lying within the bounds of the Sheriffdoms of Aberdene, Bamff, and Kincardin. One in the Burgh of Dundee, for the whole lands lying within the bounds of the Sheriffdom of Forfar. One in the Burgh of Perth, for the whole lands lying within the Sheriffdom of Perth, and Stewardry of Stratherne (excepting the Stewardry of Monteeth) One in the Burgh of Sterling, for the whole lands lying within the bounds of the Sheriffdoms of Sterling, Clakemannan, and Stewardry of Monteeth. One in the Burgh of Cowper in Fife, for the whole lands lying within the bounds of the Sheriffdoms of Fife and Kinroſhire. One in the Burgh of Edinburgh, for the whole lands lying within the bounds of the Sheriffdoms of Edinburgh principall, Conſtabulary of Haddingtoun, Linlithgow, and Barhket. One in the Burgh of Lawder, for the whole lands lying within the Sheriffdom of Berwick, and Bailiery of Lawderdale. One in the Town of Selkirk, for the whole lands lying within the Sheriffdoms of Roxburgh, Selkirk, and Peebles. One in the town of Hammiltoun, for the whole lands lying within the bounds of the Sheriffdom of Lanerk: (excepting the Burgh and Barrony of Glaſgow) one in the City of Glaſgow, for the whole lands lying within the bounds of the Sheriffdom of Renfrew, and Barony of Glaſgow. One in the Burgh of Dumbartan for the whole lands lying within the bounds of the Sheriffdoms of Dunbritton, Bute, Argyle, Arrane, and Tarbet. One in the Burgh of Air, for the whole lands lying within the bounds of the Sheriffdom of Air, Bailiery of Kyle, Carrik, and Cunningham. One in the Burgh of Wigtoun for the whole lands lying within the bounds of the Sheriffdom of Wigtoun. One in the Burgh of Drumfries, for the whole lands lying within the bounds of the Sheriffdom of Drumfries, Stewardries of Kirkcudbright and Annandale; Or any other place or places more convenient, as the Clerk of Regiſter ſhall think moſt expedient, due intimation being made to the Leiges of the ſame: And the ſaids Evidents to be Regiſtrate in the particular Books appointed for the lands within the bounds of ilk Sheriffdom, Stewardrie, and Bailiery, as ſaid is, or in the option of the party in the Books of Regiſter or Seſſion keeped by the ſaid Clerk Regiſter himſelf or his Deputes to be appointed by him, during all the days of their lifetime, or otherwiſe as he ſhal think expedient to that effect, in Edinburgh. And our ſaid Soveraign Lord, with advice and conſent of the Eſtates decerns, and declares, this preſent Act to have the force, ſtrength and effect of a Decreet and Statute of Parliament, which ſhall have force and execution, according to the tenour thereof in all time to come. Ordaining publication to be made of the ſame in forme as effeires.

ACT XVII.

Anent the looſing of Arreſtments.

OUR Soveraign Lord, conſidering the great abuſe and corruption uſed in finding of caution to meſſengers for looſing of arreſtments in times bygone, whereby His Highnes Leiges have been havily prejudged, the receiving of the ſaid caution being committed to whatſoever Meſſenger of Armes the party pleaſeth to chuſe, who at the deſire of the party, for the moſt part, receiveth irreſponſal

irresponsal cautioners: and thereafter, when caution is found, there is no warrand thereof given to the party arrester; but only a ticket under the Messengers stamp and subscription, bearing him to have loosed the arrestment, and to have received such a person cautioner: which ticket is not sufficient of the law, to furnish action against the saids cautioners, without production of the principall Bands given to the said Messenger, receiver of the caution: which Band if any were taken, remains in the hands of the Messenger, and is either lossed by negligence, or absented by malice, whereby the party is altogether prejudged of his action, which he had against the cautioner, who was found for loosing of the arrestment: For remedy whereof, our Soveraign Lord, with advice and consent of the Estates of Parliament, statutes and ordains, that all Bills and Supplications for loosing of arrestments, which shall be past and delivered by the Lords of Councell in time coming, shall be past upon caution to be found in their Books, and ordains the Clerk of the Bills to receive the said caution before the giving out of the same, for raising of Letters thereupon: and if any arrestments be otherwise loosed, the same to be null, and ineffectual.

ACT XVIII.

Anent the keeping of Forrests.

OUR Soveraign Lord, considering that the Forrests within this Realm, in the which Deer are kept, are altogether wasted and decayed, by Shiellings, pastouring of Horses, Mares, Cattell, Oxen, and other Bestiall, cutting of Woods within the bounds of the saids Forrests, shooting and slaying of Deer, Venison, and wilde Fowles, with Hagbuts, and with Dogs in forbidden time: And albeit there hath been diverse and sundry loveable Acts, Lawes, and Statutes made for punishing the transgressours of the same Acts, yet the same have not been put to due execution in time bygone. In respect the keepers of the saids Forrests, under His *Majesty*, and others having right thereto, by vertue of their Infestments had no power nor jurisdiction to punish the saids transgressours. Therefore our Soveraign Lord, with advice of the Estates of this Parliament, wills and ordains in all time coming, that the keepers of the saids Forrests, and others, having right by their Infestments, as said is, shall have full power, priviledge, and jurisdiction, to call, conveen and pursue before them, whatsoever person or persons, that shal be found hereafter to transgress the saids Acts and Statutes, sit and hold Courts thereanent, and to put them to the tryall of an inquest: And being found guilty, to put the saids Acts to full execution in their contrar, after the forme and tenour thereof in all points: to wit, the slayers and shooters of Deer, Rae, and Wilde-Fowls, being landed men, under the pain of five hundreth marks; and every unlanded man, being responsible, under the paine of one hundreth marks: and if he be not responsible, under the pain of warding and punishment of his person, conforme to the former Acts made thereanent: and the owners and imputers of the goods and Bestiall, within the saids Forrests, and cutters of Wood, under the paines contained in the former Acts made thereanent, and conforme to the provision of the same Acts.

ACT XIX.

Anent Dowcats.

OUR Soveraign Lord, with advice and consent of the Estates of this present Parliament, considering the great inconvenients sustained by the Lieges of this Realm through the frequent building of Doucats, by all manner of persons, in all the parts thereof, statutes, declares, and ordaines, that hereafter

hereafter no perſon nor perſons, ſhall have power, libertie, nor priviledge, to build a Doucat upon any Lands within this Realm, neither within Burgh, nor in the Countrey, except that perſon, builder of the Doucate, have lands and teinds pertaining to him, extending in yearly Rent to ten Chalders Victuall, next adjacent to the ſaid Doucate, at the leaſt lying within two miles to the ſame: And als declares, that it ſhall nowiſe be lawfull to the perſon foreſaid, worth in yearly rent the foreſaids ten Chalders Victuall, to build moe Doucates upon, and within the bounds foreſaids, except one Doucat onely.

ACT XX.

Anent the puniſhment of Drunkards.

IT is ſtatute and ordained, by our Soveraign Lord, with advice and conſent of the Eſtates of Parliament, for the reſtraint of the vile and deteſtable Vice of Drunkenneſſe daily increaſing, to the high diſhonour of GOD, and great harme of the whole Realm, That all perſons, lawfully convict of Drunkenneſſe, or of haunting of Taverns and Ale-houſes, after ten hours at night, or any time of the day, except in time of travell, or for ordinary refreſhments, ſhall for the firſt fault pay three pounds, or incaſe of inability, or refuſall, to be put in Jogges or Jayle for the ſpace of ſix houres: for the ſecond fault to pay five pounds, or incaſe of inability or refuſall, to be kept in Stocks or Jayle, for the ſpace of twelve houres: and for the third fault to pay ten pounds, or incaſe foreſaid, to be kept in Stocks or Jayle, for the ſpace of twenty foure houres: and thereafter, if they tranſgreſſe, to be committed to Jayle, till they find caution for their good behaviour in time comming. And for better execution of theſe preſents, ſpeciall power, authority, and commiſſion is given, granted, and committed to all Sheriffs, Stewards, Proveſts, and Bailies, Juſtices of Peace, and Kirk Seſſion, within every Pariſh, to call, conveen and try the foreſaids perſons, unlawes to uplift, and *adpios & neceſſarios uſus*, in every Pariſh to apply, and all and ſundry other things to do and exerce, which neceſſarily is required for execution of theſe preſents.

ACT XXI.

Anent diſcharging of Caulpes.

OUR Soveraign Lord, and Eſtates, underſtanding and conſidering the great hurt and skaith, which His *Majeſties* Lieges have ſuſtained theſe many years bygone, by the Chiefs and Clans within the Highlands and Iſles of this Kingdom, by the unlawfull taking from them their Children and Executors, after their deceaſe under the name of *Caulpes*, of their beſt aught, whether it be Oxe, Mear, Horſe, or Cow, alledging their predeceſſors to have been in poſſeſſion thereof, for mantaining and defending of them againſt their enemies and evil willers of old: And not only one of the ſaids Chiefs of Clans, will be content to uplift his *Caulp*, but alſo three or four moe every one of them will alleadge better right then other: And every one of them after an other, will uptake the ſame, untill four or five ſeverall *Caulpes* will be taken from one perſon, howbeit never ane of the ſaids Clans have right thereto, or to the lands which the perſons occupies, wherefra the *Caulpes* are uplifted: And ſo ſevere are they, that every ane of them after an other, will pull their Horſes and Oxen out of their Plowes, and Harrows, in the very time of their greateſt buſineſſe and labours: ſo that many of His *Majeſties* Subjects, which of old were inriched with ſufficient ſtore of goods and beſtiall, and thereby made his Highnes, and others having right, thankfull payment of their mails, keans, and dueties, indebted by them yearly to His *Majeſtie*, and others, having right, are now, by the extortion of the

ſaids Chiefs of Clans and others, claiming right to the ſaids *Caulpes*, and by unlawfull raiſing and uplifting thereof become depauperate, and unable to pay His *Majeſty*, and others having good right, their juſt duties. And ſeeing there was an Act made heretofore, in favours of the inhabitants of Galloway, by his Highnes Predeceſſour, King JAMES the fourth, of worthy memory, in his ſecond Parliament, and eighteenth Act or Chapter thereof: Diſcharging the ſaids *Caulpes*, and upraking thereof, in all time comming thereafter, under the pain of puniſhment, as Reaf, and to be an point of Ditray againſt them in the Juſtice Aire.

Therefore our ſaid Soveraign Lord, with advice of the Eſtates of this preſent Parliament, Statutes and Ordaines, that in no time comming none of his Highnes Lieges preſume, nor take upon hand, to intromet with nor upliſt, the ſaids *Caulpes*, within any part of this Kingdom under the pain foreſaid.

ACT XXII.

Anent the inbringing of Protocolles.

OUR Soveraign Lord, underſtanding that that part of the Act of Parliament, made in July, 1587. years, Act xlv. Intituled, When, who, and how, Notars ſhould be admitted, and of their Cautioners, and Protocols; Whereby it was Statute and Ordained, that all Protocoll Books of Notars, ſhould be within fifteen dayes after the deceaſe of the Notar, brought in to *Edinburgh*, and delivered to the Clerk of Regiſter, or one of his Deputes appointed by him for that effect, hath not been put to due execution in time bypaſt, wherethrough His *Majeſties* Lieges have ſuſtained great hurt and damnage: in ſo far as a great part of the Protocols, are vitiate and deſtroyed, by ryving out of the leaves forth of the ſaids Protocols, inſerting and writing of falſe inſtruments upon the blank paper contained in the ſame Protocols: and ſiklike, by inſerting of ſheets and quaires of new paper, whereupon inſtrumenss are falcified, by alteration of the dates of inſtruments, contained in the ſaids Protocols and many otherwiſe, as hath been divers times exactly tryed by the Lords of Councell and Seſſion: and that the delaying of the execution of the ſaid Act, hath proceeded upon an ordinance contained therein, of ſatisfaction to be given by the Clerk of Regiſter or his Deputes, to the relict, children, or executors of the ſaids Notars, for the ſaid Protocols, whereby the Clerk of Regiſter or his Deputes, would be drawn to very great and intollerable charges, in regard of the great number of the ſaids Books.

Therefore, and for remedy thereof, Our Soveraign Lord, with advice foreſaid, diſcharges that part of the ſaid Act of Parliament, anent any other ſatisfaction to be given to the relict, children, or executors of the Notars aready deceaſed, or that ſhall happen to deceaſe, (except as is hereafter expreſſed) and Statutes and Ordaines, that all perſons alſweil relict, children, executors, of whatſoever Notar already departed, or other perſon or perſons whatſoever, havers in their hands, cuſtodie, and keeping of any Protocol Book, of whatſoever Notar already deceaſed, as of Notars that ſhall happen to deceaſe at any time hereafter, ſhall after the deceaſe of the Notar, inbring the ſaids Protocols to *Edinburgh*, and deliver the ſame to the Clerk of Regiſter, or his Deputes, to be appointed by him for that effect, under the pain of an hundreth pounds to be incurred by them, who ſhall happen to be found to contraveen, and thereafter the ſaids Notars Books to be retained and kept by the ſaid Clerk of Regiſter, or his ſaid Depute, to be appointed by him to that effect. At the deliverie and inbringing of which Protocoles, if the ſame ſhall be inbrought by the ſaid relict or children, his Highnes, with advice foreſaid, Ordaines the Clerk of Regiſter, or his Depute foreſaid, to make a note of the names of the ſaid relict and children of the defunct Notars, to the effect, that whenſoever

whensoever any party shall pursue for transumpt of any instrument forth of the same, he shall be astricted hereby to summond by the party, having entresse, the relict and children of the defunct Notar, to the effect that the saids relict and children may be satisfied by the party, craving the transumpt of the said instrument, at the modification of the Lords of Councell and Session. And his Highnes, with advice foresaid, Declares, that this Act shall not be extended to the in-bringing of the Protocoles of the Clerks of any free Burgh Royall within this Realm, deceased already, or that shall happen to decease hereafter: but the relict and children of the said Clerks of free Burghs, shall be halden to deliver the saids Protocoles to the Provest and Baillies of the saids free Burghs, to remain in the Register of the saids free Burghs, and to be made forth-comming to all parties, having entresse, whensoever they shall crave any instrument to be transumed forth of the same, at any time hereafter.

ACT XXIII.

Act *Salvo jure cujuslibet:*

FOrasmuch as in this present Session of Parliament, there are Ratifications past, wherein divers and new clauses are insert, which may be prejudiciall to particular parties Rights, and derogative to many Lawes lawfully made and established of before, albeit the meaning of his Highnes be at this time, as it was ever in all preceeding Parliaments: That by no particular Act, any other party should be hurt or prejudged.

For remedie thereof, It is Statute and ordained, that no Ratification past in this present Session of Parliament, shall be prejudiciall to any private parties Rights: but that the saids Ratifications be alwayes understood, whether they be generall or speciall, to be *Salvo jure cujuslibet*.

A Table of the particular Acts and others not Imprinted, past in the XXII. Parliament, holden at Edinburgh the 28. of June, 1617.

1 A Commission for heritable Offices.
2 A Commission for keeping of Justice Courts.
3 Act anent the Clangregour.
4 Act in favours of the Archbishop of Saint Andrews.
5 Act for a new assignation to the Castle of Edinburgh, out of His Majesties propertie.
6 Annexation of Fearne to the Bishoprick of Rosse.
7 Annexation of Corsreguale and Monimusk to the Bishoprick of Dumblane.
8 Annexation of Icolmekill and Archattan to the Bishoprick of the Ilea.
9 Act anent the Chapter of the Bishop of the Iles.
10 Act anent the erection of the Kirk of Ballintrae.
11 Union of the Kirks of Kilbride and Renfrew, to the Colledge of Glasgow.
12 Act for changing of the Kirk of Strathgeth.
13 Act for changing the Kirk of Lawder.
14 Act Commission anent barking of Hides.
15 Ratification in favours of the Duke of Lennox.
16 Ratification in favours of the Earl of Dumfermling, Lord Chancellour.
17 Ratification to the Earl of Argyle.
18 To the Earl of Erroll.
19 To the Earl of Hume.
20 Protestation made by the Lord Rosse.
21 Act in favours of Robert Maxwell.
22 Protestations made by divers persons anent the said Act.
23 Act in favours of the Lord Sanquhare.
24 Two Ratifications in favours of the Lord Binning.
25 Ratification to the Lord Blantire.
26 To Sir Gideon Murray of divers his infeftments.
27 To Sir Gideon Murray, William and Walter Murrayes his sons.
28 To Sir Gideon Murray, of the Provestrie of Crichtoun.
29 To the Lord Colvill of Culros.
30 To Sir Andrew Hammilton.
31 To Sir Patrick Murray.
32 To John Murray of Lochmaben.
33 To him and the Laird of Lochinwar.
34 To the old Colledge of Aberdene.
35 To the new Colledge of Aberdene.
36 To Sir Henry Wardlaw.
37 To him and James Baillie.
38 To Master James Olyphant.
39 To Master Patrick Hamilton.
40 To the town of Aberdene.
41 To Master William Olyphant.

FINIS.

THE TVVENTY THIRD PARLIAMENT

Of our moſt High and Dread SOVERAIGN,

JAMES

By the Grace of GOD, King of SCOTLAND, ENGLAND, FRANCE, *and* IRELAND, *Defender of the Faith, &c.*

Holden at *Edinburgh*, the 4. day of *Auguſt*, 1621.

By the Noble and Potent Lord JAMES Marqueſs of *Hammilton*, Earl of *Arran*, and *Cambridge*; Lord *Aven*, and *Innerdail*, &c. Commiſſioner appointed for holding of the ſaid *Parliament*, by vertue of His MAJESTIES Commiſſion granted to him under the great Seal of this *Kingdom*, with the ſpecial advice, conſent and aſſent of the Eſtates of this Realm.

ACT. I.

A Ratification of the five Articles of the Generall Aſſembly of the Kirk, holden at Perth, *in the Moneth of* Auguſt, 1618.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament preſently conveened, ratifies and approves the Acts of the Generall Aſſembly of the Kirk, holden at *Perth*, the twenty fifth day of *Auguſt*, the year of GOD, one thouſand ſix hundred and eighteen, and concluded the twenty ſeventh of the ſame Moneth, *Seſſione ſecunda*, Whereof the tenor followeth.

I.

SInce we are commanded by GOD Himſelf, that when we come to worſhip Him, we fall down and kneel before the LORD our Maker; and conſidering withall, that there is no part of Divine worſhip

worſhip more Heavenly and Spiritual, then is the holy receiving of the bleſſed Body and Blood of our Lord and Saviour Jeſus Chriſt: Like as the moſt humble and reverend geſture of the body in our meditation and lifting up of our hearts, beſt becometh ſo divine and ſacred an Action. Therefore notwithſtanding that our Kirk hath uſed ſince the Reformation of Religion, to celebrate the holy Communion to the people ſitting, by reaſon of the great abuſe of kneeling uſed in the Idolatrous worſhip of the Sacrament by the Papiſts: Yet now, ſeeing all memory of by-paſt ſuperſtition is paſt; in reverence of GOD, and in due regard of ſo Divine a Myſterie, and in remembrance of ſo myſticall an Union, as we are made partakers of: The Aſſembly thinketh good, that, that bleſſed Sacrament be celebrated hereafter meekly and reverently upon their knees.

II.

ITem, If any good Chriſtian viſited with long ſicknes, and known to the Paſtor; by reaſon of his preſent infirmity, unable to reſort to the Kirk, for receiving of the holy Communion, or being ſick, ſhall declare to the Paſtor upon his conſcience that he thinks his ſickneſs to be deadly, and ſhall earneſtly deſire to receive the ſame in his houſe: The Miniſter ſhall not deny to him ſo great a comfort, lawfull warning being given to him upon the night before, and that there be three or four of good Religion and converſation, free of lawfull impediments, preſent with the ſick perſon to communicat with him, who muſt alſo provide a convenient place in his houſe; and all things neceſſary for the reverend adminiſtration thereof, according to the order preſcrived in the Kirk.

III.

ITem, The Miniſter ſhall often admoniſh the people, that they deferr not the Baptizing of Infants, any longer then the next Lords-day after the child be born, unleſs upon a great and reaſonable cauſe declared to the Miniſter, and by him approven. As alſo they ſhall warn them, that without great cauſe they procure not their children to be baptized at home in their houſes, but when great need ſhall compell them to baptize in private houſes (in which caſe, the Miniſter ſhall not refuſe to do it, upon the knowledge of the great need; and being timely required thereto) then Baptiſm ſhall be adminiſtred after the ſame form as it ſhould have been in the Congregation. And the Miniſter ſhall, the next Lords day after any ſuch private Baptiſm, declare in the Kirk; that the Infant was ſo baptized, and therefore ought to be received as one of the true flock of Chriſts fold.

IV.

ITem, Foraſmuch as one of the moſt ſpeciall means for ſtaying the increaſe of Popery, and ſetling of true Religion in the hearts of the People, is; That a ſpeciall care be taken in tryall of young children their education, and how they are Catechiſed: Which in time of the Primitive Kirk was moſt carefully attended, as being moſt profitable to cauſe young children in their tender years, drink in the knowledge of GOD, and His Religion, but is now altogether neglected

glected in reſpect of great abuſe and errours which creept into the Popiſh Kirk; by making thereof a Sacrament of Confirmation: Therefore that all ſuperſtitions built thereupon may be reſcinded, And that the matter it ſelf being moſt neceſſary for the education of the youth, may be reduced to the Primitive integrity.

It is thought good that the Miniſter in every Pariſh ſhall Catechize all young children of eight years of age, and ſee that they have the knowledge, and be able to make rehearſal of the Lords Prayer, Belief, and ten Commandements, with anſwers to the queſtions of the ſmall Catechiſm uſed in our Kirk: And that every Biſhop in his viſitation ſhall cenſure the Miniſter who ſhall be found remiſs therein; And the ſaid Biſhops ſhall cauſe the ſaid children to be preſented before them, and bleſs them with Prayer for the increaſe of their knowledge: and continuance of GODS Heavenly Graces with every one of them.

V.

Item, As we abhore the ſuperſtitious obſervation of Feſtival days by the Papiſts, and deteſt all licentious and profain abuſe thereof, by the common ſort of Profeſſors; So we think, that the ineſteemable benefits received from GOD, by our Lord Jeſus Chriſt His Birth, Paſſion, Reſurrection, Aſcenſion, and ſending down of the Holy Ghoſt, was commendably and godly remembred, at certain particular days and times by the whole Churches of the World; and may be alſo now. Therefore the Aſſembly Ordains, that every Miniſter ſhal upon theſe days have the commemoration of the foreſaid ineſteemable benefits, and make choiſe of ſeverall and pertinent Texts of Scripture, and frame their Doctrine and Exhortations thereto, and rebuke all ſuperſtitious obſervation, and licentious profanation thereof.

Which Articles and Ordinances, Our Soveraign Lord with the advice and conſent of the Eſtates, Statutes and Ordains to be obeyed and obſerved by all His *Majeſties* Subjects as Laws in time coming; Annulling and reſcinding whatſomever other Acts of Parliament, Conſtitutions and Cuſtoms; In ſo far as they are derogative to any of the Articles above-written.

ACT. II.

Anent the Taxation granted to His Majeſty *of Threttie Shillings yearely, upon the Pound Land, and the twenty pennie of all Annual-rents.*

IN the Parliament holden at *Edinburgh*, the fourth day of *Auguſt*, the year of GOD 1621. The Eſtates of Parliament preſently conveened, conſidering the infinit expences and great burden which the Kings moſt ſacred *Majeſty* their dread Lord and Soveraign, hath been conſtrained by the ſtraiteſt bonds of Religion to undergoe of late, and in all likelyhood ſhall lye under a long time; By procuring by Treatiſe or Armes, eaſe and liberty to thoſe who ſuffer for the Goſpel of Chriſt Jeſus profeſſed in this land: And therewithall calling to minde the long peace flouriſhing with Religion and Juſtice, which they have enjoyed theſe many years paſt; and do yet ſtill enjoy in this univerſall combuſtion of the Chriſtian World, and that by the wiſe, juſt and happy

py government of His ſacred *Majeſty*: And that they have nothing to be returned to ſo great a King for ſo exceeding great and rare benefits, but hearty and zealous affections ceeding to no Nation, and ever ready with their goods, lands and lives, to maintain true Religion, His *Majeſties* Royall Perſon and Poſterity, their Honours and Crowns. Therefore in moſt humble manner, The ſaids whole Eſtates of this Realm do earneſtly beſeek His moſt ſacred *Majeſty* graciouſly to accept their offer of a Taxation to be impoſed, collected, and payed to His Highnes, by the ſaid Eſtates in manner and at the four tearms following: That is to ſay, The Earles, Lords and Commiſſioners of Shyres, for the Temporall Eſtate, have granted, That there ſhall be up-lifted of every pound of Land of old extent, within this Realm, pertaining to Earles, Lords, Barons, Free-holders and Fewars of His *Majeſties* proper Lands, the ſum of thirtie ſhillings money at every one of the four tearms following, *viz.* The ſum of thirty ſhillings at the feaſt and term of Candlemeſs next to come, in the year of GOD, 1622. The ſum of other thirty ſhillings at the feaſt and term of Martinmes, in the year of, GOD, 1622. The ſum of other thirty ſhillings at the feaſt and term of Martinmes in the year of GOD, 1623. And the ſum of other thirty ſhillings at the feaſt and term of Martinmes in the year of GOD, 1624. The Arch-biſhops, and Biſhops for the Spirituall Eſtate, have granted that there ſhall be up-lifted of all Arch-biſhopricks, Biſhopricks, Abbacies, Priories, and other inferior Benefices within this Realm, at every one of the four terms above ſpecified, by the juſt Taxation thereof, as they have been accuſtomed to be taxed unto at all time by-gone, whenſoever the Temporall lands of this Realm were ſtented to thirtie ſhillings of old extent: and the ſame Taxation to be payed at every one of the four ſeverall terms above ſpecified. And the Commiſſioners of Burrows within this Realm, for their Eſtate, have granted, that there ſhall be up-lifted of all Burrows within this Realm, at every one of the four tearms above written, the juſt Taxation thereof, as they have been accuſtomed to be taxed in all time by-gone, whenſoever the Temporall lands within this Realm were ſtented to thirtie ſhillings the pound land of old extent. And the ſaid Taxation to be payed at every one of the four ſeverall tearms above-written. And in regard that His *Majeſty* hath erected ſundry Prelacies in temporall Lordſhips, whereby the owners thereof may claime to be taxed with the Barons of the temporall Eſtate, and therethrow His Highnes would be defrauded of a great part of the ſame Taxation.

Therefore it is Statute and Ordained, that all Erections of Prelacies and other ſmal Benefices, in whole or in part, in temporall Lordſhips, ſhall in payment of the ſaid Taxation, pay to the Collectors thereof ſo meikle of the ſame Taxation [*pro rata*] as if they were no wiſe erected, and as they were ſubject to do before the erection of the ſame. And ſicklike, it is Statute and Ordained, That all diſſolved Benefices within this Realm, in whole or in part, ſhall be ſubject in payment of ſo meikle of the ſame Taxation [*pro rato*] as they would have been ſubject to pay, ſo the ſame had not been diſſolved, and that the parties who have gotten any part or portion of any Prelacies, or other inferior Benefices diſſolved, and new ſecurities made unto them by His *Majeſty*, of that part and portion thereof ſo diſſolved, ſhall be ſubject to the payment of the Taxation thereof to the Prelate, or other beneficed perſon, for his relief of the ſame Taxation, as they would have been, ſo the ſame had not been diſſolved: Notwithſtanding of any condition contained in the infeftments and ſecurities made by His *Majeſty* to them in the contrarie hereof.

And further, the ſaid Eſtates annulles and diſcharges all Priviledges and Immunities whatſoever, whereby any perſons may think themſelves free of payment of this preſent Taxation (the Priviledges granted to the Ordinar Senators of the Colledge of Juſtice, and the Taxation of the Benefices given, diſponed

diſponed, and mortified for the intertainment of the Univerſities and Colledges within this Kingdom onely excepted.) As alſo, the ſaid Eſtates conſidering that beſides the ordinary charges which His *Majeſty* doth daily undergo for the maintainance of the Honor, Eſtate and dignity of His Highneſs Kingdoms. The extraordinary burdens which now lye upon His *Majeſty* by the occaſions before-written, are ſo great, and do ſo near concern every Loyall and true hearted Subject of this Kingdom, as members of that body whereof His *Majeſty* is the head: that in duetie they think themſelves bound to bear a part of that burden, and to relieve His *Majeſty* thereof. Therefore, beſides the Ordinar Taxation above-written, The ſaid Eſtates have for the ſpace of four years next and immediately following the tearm of Martinmeſſe next to come, Voluntarly and freely granted to His *Majeſty* a yearly extraordinar Taxation of the twentie pennie of all Annuell-rents, which any perſon or perſons within this Kingdom have freely due and payable to them yearly or tearmly [their own Annuell-rent wherein they are debted to others, being firſt deduced] The firſt tearms payment whereof ſhall be and begin at the ſaid feaſt and tearme of Martinmeſſe next to come, and ſo forth yearly and tearmly at Whitſonday and Martinmeſſe, while the ſaid Four years, and the Eight tearms payment thereof be fully and compleatly out-run. And for the better tryall of every man his Annuell-rent which he hath yearly or tearmly due to him: It is ordained, That this Act ſhall be publiſhed at the Market-croſſe of the Burgh of *Edinburgh*, and of the whole head Burrows of the Sheriffdoms, Stewardries, Bailieries, and Regalities, within this Kingdom, whereby all His *Majeſties* Lieges may have true notice thereof, And therewithall the ſaids Eſtates Wills, Ordaines and Commands, all His *Majeſties* Lieges that have any Annuell-rent payed to them, That they compear within the ſaid head Burgh of the Sheriffdom, Stewardrie, Bailyrie, or Regalitie, or the head Burgh in any of theſe Juriſdictions where the head Courts are holden, and where the ſaid Annuell-renters dwell, or have their ordinar reſidence, in any court day in ane of the laſt weeks immediately preceeding Whitſunday or Martinmeſſe. At which time the Sheriffs, Stewards, Bailies, and Bailies of Regalities, and Proveſt and Bailies of Burrows, who are heretable Sheriffs within themſelves, within the bounds of their Juriſdictions: ſhall be oblidged to hold Courts weekly to the effect afterſpecified. And the Lieges reſorting to the ſaid Courts, ſhall give up Inventors to the Clerk thereof, of the whole ſummes of money for which Annuell is due to them yearly and tearmly, the names of the Debters: As alſo the whole ſummes of money for the which they are ſubject in payments of Annuell-rents to others, with the Names of their Creditors to whom the ſame is due, whether the ſame Annuell-rent be in Victuall or Silver, The Annuell-rent of Victuall to be eſtimate according to the ſtock of money for the which it is payed at ten for ilk hundred thereof, And ſhall cauſe the parties up-givers of the ſaid Inventors, every partie ſubſcrive his own Inventor himſelf if he can write, and if he cannot write, the Clerk of the ſaid Court ſhall ſubſcrive the ſaid Inventor in face of Court, before the members thereof. And alſo the Sheriff, Steward, Bailie, Bailie of Regalitie, Proveſt and Bailies of Burrows, who are heretable Sheriffs within themſelves, within the bounds of their Juriſdictions: And Clerks themſelves ſhall make and give up an Inventor of the debts owing unto themſelves, and by themſelves, as ſaid is. It is alwayes provided, that if any perſon, impeded by reaſon of ſickneſs, or diſtracted by ſome other juſt occaſion, ſhall not be preſent himſelf, to give up the ſaid Inventor, It ſhall be lawfull for him to cauſe any honeſt reſponſible man, within the juriſdiction where he dwelleth, compear, and give up his Inventor: Providing the ſame be ſubſcribed by himſelf, or a Notar at his command, which the In-giver ſhall declare to be a true Deed, and abide at the ſame, on the like hazard and danger as the principall partie ſhould underly: which ſhall be as ſufficient as if the Inventor had been perſonally

given up by the principal partie himſelf. And an Inventor being once made, and given up, ſhall ſtill ſtand, and be a ground to charge any perſon, during the time of the four years of the ſaid Taxation, unleſſe the partie change, or otherwayes employ his ſums: And then he ſhall give up a new Inventor, which ſhall be a new ground of a charge, and the former ſhall ceaſe. And the ſaid Clerk ſhall make a Record in his Regiſter of the ſaids whole Inventors: which Inventors being ſo recorded, ſhall be extracted by the ſaid Clerk, and ſubſcribed with his hand, and three Extractes made of the ſame: one to be given to the partie, if he require the ſame: another to be ſent, by the ſaid Clerk, to the Collector of the ſame Taxation: and the third, to be likewiſe ſent, by the ſaid Clerk, to the Clerk of His *Majeſties* Regiſter, to be ſtill keeped amongſt the records of His Highnes Exchequer: to the effect it may be known how far every partie is lyable in the payment of the ſaid extraordinarie Taxation: For the which Extract, and Note made in regiſter, the ſaid Clerk ſhall have of every perſon, up-giver of an Inventor, the ſum of four ſhillings Scots money. And if by ſlouth, or malice, the Clerk ſhall happen to delay, to ſhift the Lieges reſorting to the ſaid Courtes to the effect aforeſaid, (Complaint being made thereof to the Lords of His *Majeſties* Secret Councell) the ſaid Clerks ſhall be puniſhed accordingly, at the diſcretion of the ſaid Lords: And at any Court day, preceeding any Tearm, it ſhall be lawfull for any perſon to compear, and offer to give up his Inventor, which the Clerk and Judge ſhall be aſtricted to receive.

Further, For the better obſervation of the ſaid Statute, It is declared, That whoſoever receiveth, retaineth, or conditioneth to receive any Annuall-rent, and concealeth the ſame, or any part thereof: or in giving up of his Inventor of Debtes, and Annualls owing by him unto his juſt Creditors, giveth up more then he is juſtly addebted into, Whoſoever firſt diſcovereth, and revealeth either the Annuall concealed, or Annuall which is more then the up-givers juſt debt, ſhall for his reward have the half of that Tearmes concealed Annuall, and as much as the half of that Annuall which ſhall be diſcovered to have been unjuſtly given up. And in caſe it ſhall happen any perſon whatſoever, by vertue of his up-given Inventor, to be charged for payment of his Taxation, and at the time of his charge to declare in preſence of a Judge, by his great Oath ſolemnedly ſworn, that his Debtor is a Bank-rupt, whereby he is diſabled to make payment of his Taxation, and is contented that the Kings *Majeſtie* ſhall have the whole Annuall-rent addebted unto him by his bank-rupt debter of that Tearm: His ſaid declaration ſhall be a ſufficient Liberation to him of the ſame. And for eſchewing of malicious Dilatours of thoſe who have omitted or concealed their ſums, It is ordained, That whenſoever any perſon ſhall accuſe or dilate another of concealing or omitting of Sums the time of making his Inventor, He ſhall condeſcend upon ſome probable cauſe of his dilation, and ſhall find caution (*de judicato ſolvi*) in caſe he fail in proving that which he dilateth: And there ſhall not ſuch actions of dilations be lawfull againſt dead perſons, their Heires, nor Executors: Neither ſhall it be lawfull, after year and day, after the expiring of the ſaid Taxation, to intend any ſuch action. And in caſe any perſon purchaſe wed-ſet of Lands, and ſet the ſame back again in tack unto him who wed-ſet the ſame unto him, The Tacksman, poſſeſſour of the Lands, ſhall pay for the ſtent of the Lands and the haver of the wed-ſet ſhall pay for the Annuall-rent of his money which he hath on the Land, as if the ſame were imployed for Annuall-rent. Attour, It ſhall not be lawfull, by no manner of way, for any Creditour to get relief of his Debtor, of this Taxation which is impoſed upon Annuall-rents by this Statute, under the paines contained in the Acts of Parliament made againſt Uſurers. And concerning Minors, It is declared, That their Minorities ſhall no wayes priviledge them: But their Tutors and Curators ſhall give up the Inventors of their Annuall-rents in their names: which if the ſaid Tutors and Curators fail to

do,

do, the said Minors shall incurr the like danger as others, and at their perfect age shall have action of Relief against their said Tutors and Curators for that cause. And in case any person depart out of this Kingdom, after the publication of this present Act, the same shall no wayes excuse him from giving up of an Inventor of his Annuall-rents, and payment of the said Taxation, and under-lying of the danger contained in this present Act. But those who are presently forth of this Realm, and shall not return before the Tearm of Martinmess next, they shall not come under the danger of this Act, untill the Tearm of Whitsunday next: Providing that at that tearm they give up their Inventor, and pay their Taxation, as if they had been present within this Realm before the foresaid Tearm of Martinmess next. And for the up-lifting of the foresaid Taxation, granted upon Annuall-rents, And to the effect His *Majesties* generall Collector thereof may know now whom to crave and charge for the same, It is Statuted and Ordained, That within every Sheirffdom, Stewardrie, Bayllyrie, and Regalitie, where the Offices of Sheriffes, Stewardes, and Baillies are heretable: and the Provests and Baillies of Burrows, who are heretable Sheriffes within themselves: These heretable Officiers, and their Deputies, for whom they shall be holden to answer, Shall collect the said Taxation, and make payment thereof to His *Majesties* Collector Generall of the foresaid Taxations. And where these Offices are not heretable, but changeable, The Clerks within the said Jurisdictions having their offices, (*ad vitam*) shall be Collectors thereof. And in case the said Clerks have not already found sufficient Caution for discharging of their duties in their Offices, they shall be holden before they have any intromission with the same Taxation, to find sufficient Caution for that effect. And where there are no heretable Officiers, nor Clerks, having their Offices (*ad vitam*) the said Collector Generall of His *Majesties* Taxations (and his Deputies in his name, sufficiently authorized by him: and for whom he shall be holden to answer, and whose Names he shall cause publish at the Market Crosse of the head Burgh of that Jurisdiction where there is no heretable Officier nor Clerk (*ad vitam*) that His *Majesties* Lieges may know unto whom they shall make payment) shall collect and up-lift the same Taxation. Which payment being made, the receiver thereof shall be oblished to deliver unto the payer thereof an Acquittance upon the receipt of the same (*gratis*) without payment of any money for the same. It is likewise provided, That the Fees of the Collectors, and receivers of the same Taxation of annuall-rents, shall be, like as hereby they are remitted to the discretion and arbitriment of the Lords of His *Majesties* Privie Councell, to be set down, and agreed upon by them. And the said Estates hereby discern and declare, That all Burgesses and Free-men within Burghs, albeit they be taxed in the ordinarie Taxation above-written, with their Neighbours, conform to the order prescribed for collecting of the Burrows part of the said ordinarie Taxation; Yet the same shal no wayes liberat, nor free them from payment of their parts of this extraordinarie taxation also, according to the proportion of the twentie pennie of their annuall-rents: but they shall be lyable in payment thereof, as others His *Majesties* Lieges are. Attour, The said Estates annull and discharge all priviledges and immunities whatsoever, whereby any persons may think themselves free of payment of any part of this present Extraordinarie Taxation: The Priviledges and Immunities granted to the Ordinarie Lords of Session, with the annuall-rents due to be payed to Colledges, Schools, and Hospitalls, or mortified for sustentation and up-holding of Kirks and Bridges, with the annuall-rents which may be claimed of poor people, whose stock exceedeth not the sum of five hundreth markes only excepted. And the said Estates discern and ordain the extraordinary Lords of the Session, together with the whole Advocats, Clerks of the Session, Writers to the Signet, Privie and Great Seals, and other members of the Colledge of Justice, to contribute to the said Taxations, such like as if they were not exeemed: And that of their own consents, and

conform to their voluntary offer made by them to His *Majeſtie*, and the ſaid Eſtates, upon this ſpeciall proviſion, That their ſaid voluntarie offer ſhall not prejudge nor impair their liberties, priviledges, and immunities in any time coming. Which offer the ſaid Eſtates accepted, and accept: And will, and declare, That their ſaid Offer ſhall no wayes derogate to their priviledges and immunities: But that their ſaid priviledges and immunities ſhall be kept, and obſerved unto them and their ſucceſſors in all times coming, unprejudged by the ſaid Offer.

ACT III.

Anent the Collecting and in-bringing of the Taxation, and relief to Prelats.

FOraſmuch as the Eſtates of this preſent Parliament, upon good and weighty conſiderations, which moved them, have freely and voluntarily offered and granted to the King's moſt excellent *Majeſtie*, Our Soveraign Lord, for ſupplying of a part of the great Charges and Expences which His *Majeſtie* hath been conſtrained, even by the ſtraiteſt bands of Religion to undergo of late, and by all likelyhood ſhall ly under a long time, by procuring by treaty, or Arms, eaſe and liberty to thoſe who ſuffer for the Goſpel of Jeſus Chriſt, profeſſed in this Land, a Taxation to be payed, collected, and up-lifted, in manner, and at the four tearms following: That is to ſay, for the Barrons and Free-holders parts of the ſame Taxation, thirty ſhillings Scots money, to be up-lifted of every pound land of old extent within this Realm: pertaining to Earls, Lords, Barrons, Free-holders, and Fewars, of our Soveraign Lords proper lands holden by them immediately of His *Majeſty*, and payed by them at every one of the four ſeverall tearms following: That is to ſay, The ſum of thirty ſhillings money, at the Feaſt and tearm of Candlemeſs next to come, in the year of GOD, one thouſand ſix hundreth twenty and two years. The ſum of other thirty ſhillings money at the feaſt and tearm of Martinmeſs, in the year of GOD, 1622. years. The ſum of other thirty ſhillings money, at the feaſt and tearm of Martinmeſs, in the year of GOD, 1623. years. And the ſum of other thirty ſhillings, money foreſaid, at the feaſt and tearm of Martinmeſs, in the year of GOD, 1624. years. And for the Spiritual men, and the Burrows parts of the ſame Taxation, That there ſhall be uplevied of every Archbiſhoprick, Biſhoprick, Abbacy, Priory, and other inferiour benefice: and of every free Burgh within this Realm, at every one of the ſaid four tearms of payment, the juſt taxation thereof, and as they have been accuſtomed to be taxed unto in all times bygone, whenſoever the temporal lands within this Realm were ſtented to thirty ſhillings money the pound land of old extent: and the ſame taxation to be payed at every one of the four ſeveral tearms above-written. And for in-bringing of the Spiritual mens parts of the ſame taxation, Ordains letters to be directed, charging all and ſundry Archbiſhops, Biſhops, Abbots, Priors, as likewiſe all Noblemen, and others, in whoſe favour the Erection of any Prelacy, or inferiour benefice, or any part or portion thereof, be it other lands, Kirks, or Teinds, or in whoſe favour the patronage of any Benefice, Kirks, or Teinds, is paſt, and all other beneficed perſons contained in the text Rolls, their Chamberlans, Factors and Intromettors with their Rents and living, to make payment of that ſum that they and every one of them are taxt unto for every one of the ſaid four tearms payment to the Collector Generall to be appointed by His *Majeſty*, for receiving of the ſaid whole Taxation, or to his Deputies, and Officers in his name, having his power to receive the ſame at the particular tearms above-written, under the pain of Rebellion, and putting of them to the Horn. And if they fail therein at the by-paſſing of every one of the ſaid tearms, to denounce the Diſobeyers Rebells, and put them to the Horn: and to eſcheat, &c. And that the Prelats, and beneficed perſons, and ſuch Noblemen, and others, in whoſe

whose favours the Erections and Patronages above-written, are past for their relief, have Letters, charging their Vassals, Sub-vassals, Ladies of Terce, Conjunct-feears, Life-renters, Fee-wards, Tacks-men, and Pensioners, to make payment of their parts of the said taxation, each one of them (*pro rata*) according to the sum that they shall be taxed unto: To the said Prelates, and other beneficed persons, and to the said Noblemen, and others, having power to receive the same, within twenty days next after the charge, under the pain of Rebellion, &c. And if they fail, to denounce, and escheat, &c. And to poynd and distrain therefore, as they shall think most expedient: Providing always, that the first tearms payment of the said Taxation be ever past, before the next tearms payment be charged for. Alwayes declaring that the production of sufficient Hornings against the said Vassals, Fewars, Tacks-men, and Pensioners, shall be a relief to the said Prelats, Lords of Erections, and beneficed persons: And shall exhoner them (*pro tanto*) from payment of the said taxation: providing that the same Hornings, with their Taxed Rolls, authentickly made, and subscribed by the said Prelates, Lords of Erections, and beneficed persons, and by their Fewars, Vassalls, Tacks-men, and Pensioners, in manner hereafter prescribed, containing the particular sum which each one of them are taxed unto, be delivered to the Collector of the same taxation, within the space of threescore days after every tearm: Otherwayes he shall be no wayes oblidged to receive the same. Neither shall the Prelate, Lord of Erection, and beneficed person, be exhonered, by production of the same, at any time thereafter. And further, That the said Prelates, and such Noble-men, and others, in whose favours the Erections and patronages above-written, are past, and all other beneficed persons, may have their relief of their said Vassals, Sub-vassals, Ladies of Terce, Conjunct-feears, Life-renters, Fewars, Tacks-men, and Pensioners, to the greater ease, and less trouble of their said vassals, and others foresaid.

And, to the effect that every one proportionally may pay his part of the said taxation, according to the quantitie and avail of the free rent which he hath of his Benefice, Lands, Pension, Kirks, and Teind-sheaves pertaining to him, as well the Prelat, Lord of Erection, Patron, and other beneficed persons, themselves, as the Fewar, Tacks-man, and pensioner. It is thought expedient, statute, and ordained, That the said Prelates, and others above rehearsed, everie one of them severally shall conveen his whole Fewars, Vassalls, Tacks-men, and Pensioners, at the particular places hereafter designed: They are to say, The Archbishop of Saint-Andrews, at the Citie of Saint-Andrews: The Archbishop of Glasgow, at the Citie of Glasgow: The Bishop of Orknay, at the Town of Kirkwall: The Bishop of Caithnes, at the Town of Durnoch: The Bishop of Ross, at the town of Chaunrie of Ross: the Bishop of Murray, at the town of Elgin: the Bishop of Aberdene, at the Burgh of Aberdene: the Bishop of Brechin, at the Burgh of Brechin: the Bishop of Dunkeld, at the town of Dunkeld: the Bishop of Dumblane, at the town of Dumblane: the Bishop of Galloway, at the town of Wigton: the Bishop of Argyle, at the Burgh of Inneraray: the Bishop of the Yles, at the Burgh of Rothsay in Bute: the Abbot of Icolmekill, at the Burgh of Innerness: the Prior of Ardchattane, at the Burgh of Inneraray: the Abbot of Ferne, at the Burgh of Thayne: the Lord of Bewlie, at the Burgh of Innerness: the Lord of Kinloss, at the Burgh of Forres: the Prior of Pluscarden, at the Burgh of Elgin: the Lord of Deir, at the town of Peterhead: the Prior of Fyvie, at the town of Turreff: the Prior of Monymusk, at the town of Monymusk: the Lord of Arbroith, at the Burgh of Arbroith: the Lord of Scoon, at the Burgh of Pearth: the Lord of Cowper, at the town of Cowper, in Angus: the Prior of Restenneth, at the Burgh of Forfar: the Collector of the Taxation, in place of the Prior of Charter house, the Seat now vacand, at the Burgh of Pearth: the Prior of Elcho, at the same Burgh of Pearth: the Prior of Straphillan, at the Burgh of Inneraray: the Lord of Inchaffray, at the burgh of Pearth: the Prior of Inchmahomo, at the

the burgh of Sterling: the Prior of Saint Andrews, at the Citie of Saint-Andrews: the Bailie of the Regalitie of Dumfermling, at the burgh of Dumfermling: the Lord of Balmerinoch, at the burgh of Cowper in Fife: the Lord of Lindors, at the burgh of Cowper in Fyfe: the masters of of Saint Leonards Colledge, in Saint Andrews, for the Prior of Portmook, at the burgh of Cowper in Fyfe: the Prior of Pettin-weym at the burgh of Pettin-weym: the Lord of Saint-Colmb, at the burgh of Innerkething: the Lord of Culross, at the burgh of Culross: the Abbot of Cambuskenneth, at the burgh of Sterling: the Lord of Torphichin, at the burgh of Linlithgow: the Prior of Mannell, at the burgh of Linlithgow: the Lord of Holy-Rud-house, at the burgh of Edinburgh, the Lord of Newbottle, at the burgh of Edinburgh: the Prioresse of Hadington, at the burgh of Hadington: the Lord of the temporall lands of the Priorie of North-Berwicke, at the burgh of North-berwicke: the Patron, and Person, of the Kirk of Kynnewchar, dissolved from the Priorie of North-Berwick, at the town of Ely: the Patron, and Person, of the Kirk of Largo, dissolved from North-Berwick, at the town of Largo: the Patron and person, of the Kirk of Mayboill, dissolved from North-Berwick, at the burgh of Mayboill: the Patron, and person, of the Kirk of Logy, dissolved from North-Berwick, at the burgh of Sterling: the Lord of Kelso, at the town of Kelso: the Lord of Coldingham, at the town of Eymouth: the Lord of Dry-burgh, at the town of Dryburgh: the Prior of Ecclis, at the town of Dunss: the Prior of Coldstream, at the town of Dunss: the Lord of Jedburgh, at the burgh of Jedburgh: the Lord of Melros, at the town of Melros: the Lord of Paisley, at the town of Paisley: the Lord of Blantyre, at the Burgh of Glasgow: the Lord, and Baylie of the Temporall lands of Kilwinning, at the Burgh of Irwing: the Patrons, and Persons, of the Kirks of Kilwinning, dissolved from the Abbacie of Kilwinning, at the said Burgh of Irwing: The Abbot of Corsraguel, at the town of Mayboill: The Prior of Whitehorn, at the Burgh of Whitehorn: The Abbot of Saulset, at the Burgh of Whitehorn: The Prior of Saint-Mary Yle, at the Burgh of Kirkcudbright: The Lord of Dundrenan, at the Burgh of Kirkcudbright: The Lord of Glenluce, at the Burgh of Wigton: The Abbot of Toungland, at the Burgh of Wigton: The Abbot of New-Abbey, at the Burgh of Dumfreis: The Abbot of Holywood, at the Burgh of Dumfreis: the Prior of Cannabie, at the Burgh of Annand: the Barron, and Bailie of the Barronie of Brouchton, dissolved from the Lordship of Holy-Rude-house at the Burgh of Edinburgh: the Heritoures of the one hundreth pound Land of the Barronie of Monkland, dissolved from the Lordship of Newbottle, at the Citie of Glasgow: The Ministers of Fellsoord, at Aire: Scotland well, at Saint Andrews: Peibles, at Peibles: The Patron, and Person, of the Kirk of Dundee, dissolved from the Abbacie of Lindores, at the Burgh of Dundee: And all other small beneficed Persons, at the Paroch Kirks of their particular Benefices. And that they conveen, to the effect above-written, upon the penult day of *October* next to come, in the year of GOD, one thousand six hundreth, twentie one years: which is declared to be the precise day appointed for all their Vassalls, Fewars, Tacks-men, and Pensioners, to keep the said Meeting. And that no further Citation, nor Summonding, shall be requisit, than the Proclamation and publication of this present Act, at the Market Crosses of the Head Burrows of this Realm.

And herewith it is resolved, by the said Estates, That if any Vassall, Sub-vassal, Fewar, Tacks-man of teinds, Pensioner, or any other, justly bound to make relief to the Prelate, Lord of Erection, Patron, or other beneficed Person, of any part of the said Taxation: Shall send any procurators in his name, sufficiently authorized, to the said meeting: The same shall not only excuse the absence of the principal partie: but the procurator in all things shall be admitted, and received, to do, and perform, in the distribution of the said taxation, what could, or lawfully might have been done by him who sent him. It is in like

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manner declared, That the Prelate, Lord of Erection, Patron, or other beneficed perſon, impeded by diſeaſe, or diſtracted upon ſome other neceſſary occaſion, from attending that meeting, having his abſence ſupplyed that day, by any ſufficient worthy perſon, whom he ſhall appoint, and authorize, to that effect, Shall be as lawfull, as if he were perſonally preſent himſelf. And the party ſo authorized, ſhall be admitted, and received, in all things to do, and perform in the diſtribution of the ſame Taxation, what could, or lawfully might have been done, by him who ſent him. It is further ſtatute, and ordained, that at the ſaid day of meeting, the ſaid Prelates, Lords of Erections, Patrons, and other beneficed perſons, ſhall by themſelves, or their procurators lawfully authorized, as ſaid is, ſenſe and hold a Court, call by name, and ſur-name, upon every one of their Vaſſals, Sub-vaſſals, Fewars, Tackſ-men of teinds, Penſioners, and others, oblidged to relieve them of any part of the ſame Taxation: And lawful time of day being bidden, ſhall ſhew to their ſaid Vaſſals, Fewars, Tackſ-men, and Penſioners, or their Procurators compearing for them, the quantity of the Taxation impoſed upon their Prelacie, erected Lordſhip, or other benefice, authentickly ſubſcribed by the Clerk of the ſame taxation. And they all, at the leaſt ſo many of them, as ſhall conveen for this effect, with one conſent, ſhall diſtribute the ſame to be payed by every man, as well as by the Prelate, Lord of Erection, and preſent poſſeſſor of ſmall benefices, for the free rent that every one of them hath of their Prelacies, erected Lordſhips, and ſmall benefices, as by the Vaſſall, Fewar, Tackſ-man, and Penſioner, according to the great or ſmal quantity of the free rent which every one of them hath, either of their Lands, Teinds, or Penſions. Which certification to any of the ſaid perſons, Fewars, Vaſſals, Tackſ-man, or Penſioner, that compeareth not by themſelves, or their Procurators, at the day and places above ſpecified, to the effect foreſaid: That ſuch as ſhall conveen with the ſaid Prelates, Lords of Erections, Patrons, and other beneficed perſons, or their procurators, ſhall proceed in the equal diſtribution of the ſame taxation, as well amongſt them that are abſent, as preſent: And ſhall make and ſubſcribe, an authentick Tax-roll thereupon. And in caſe, that none of the ſaid Vaſſals, Fewars, Tackſ-men, and Penſioners, ſhall conveen at the day and places above-ſpecified, to this effect, by themſelves, or their Procurators, but ſhall wilfully abſent themſelves from the ſaid meeting, it ſhall be lawfull for the ſaid Prelates, Lords of Erections, Patrons, and other beneficed perſons, being preſent by themſelves, or their procurators, at the day and places above-ſpecified, to make, ſet down, and ſubſcribe the ſame Tax-Roll. And in caſe any of the ſaid Prelates, Lords of Erections, Patrons, and other beneficed perſons, ſhall not conveen by themſelves, or by their Procurators, at the day and places above-ſpecified, particularly deſigned to every one of them, It ſhall be lawfull for the ſaids Vaſſals Fewars, Tackſ-men, and Penſioners, at the leaſt ſo many of them, as ſhall conveen by themſelves, or their procurators, to make, ſet down, and ſubſcribe the ſaid Tax-roll. Which Tax-roll ſhall contain the particular ſum that every one ſhall be found juſtly to be addebted to pay, the parties name addebted to pay the ſame, and the cauſe wherefore the ſame ought to be payed. And being ſo ſet down, either by the Prelate, Lord of Erection, Patron, or other beneficed perſon, or their lawfull procurators, with ſo many of their Vaſſals, Sub-vaſſals, Fewars, Tackſ-men of teinds penſioners, and others, oblidged to relieve them of any part of the ſame Taxation, as ſhall conveen with them to this effect. And in caſe that none ſhall conveen with them, the ſame Roll being then ſet down by the Prelat, Lord of Erection, Patron, or other beneficed perſon, or their lawfull procuratours: Or in caſe of their abſence, being ſet down, made, and ſubſcribed by ſo many of the ſaid Vaſſalls, Fewars, Tackſ-men, and penſioners, as by themſelves, or their procuratours, ſhall conveen themſelves for this effect. The ſaid Eſtates Decerns to be as lawfull in all reſpects, as if the whole number of perſons having entreſs therein, had conveened, made, ſet down, and ſubſcribed the ſame.

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Which Tax-roll being ſo ſet down, made, and ſubſcribed, in manner above-written (and no otherwayes) and delivered to the Clerk of the Taxation, The ſaid Eſtates ordains him to give warrant for giving of letters of Relief thereupon, Diſcharging him in any caſe to give warrant for giving of letters of Relief upon any Roll preſented unto him, not made, and authentickly ſubſcribed, in form above-written, as he will anſwer to the contrary, upon his perill.

It is likewiſe ſtatute, and ordained, that Tackſ-men of Teinds ſhall have Relief upon their Sub-tackſmen, [*pro tanto*] reſpect being had to the gerſom payed by the ſaid Sub-tackſ-men. And for inbringing of the Barons and Free-holders parts of the ſame taxation, and of the Fewars and Rentalls of our Soveraign Lords proper lands, their parts thereof, ordains letters to be directed, charging all and ſundry Sheriffs, Stewards, Bailies, their Deputies, and Clerks, Fewars, Chamberlains, and Receivers of our Soveraign Lords proper lands, That they, and every one of them, within the bounds of their Offices, rayſe, and up-lift, the ſum of Thirtie ſhillings, money of this Realm, of every pound land of old Extent, lying within the bounds of their Juriſdictions, for every one of the four tearms above ſpecified: and in-bring, and deliver the ſame unto the Collector aforeſaid, or to his Deputies, and Officers in his name, having his power to receive the ſame, at the particular tearms above ſpecified, under the payn of rebellion, &c. And if they fail at the by-paſſing of everie one of the ſaid tearmes, to denounce, and eſcheat, &c. And for their relief, that letters be directed, Charging all, and ſundry Earls, Lords, Barons, Free-holders Fewars, and Rentallers, of our Soveraign Lords proper lands, perſonally, or at their dwelling places: And by open proclamation, at the Market Croſſes of the head Burgh of the Sheriffdom, Stewardrie, or Bailierie, where their lands ly, if they be within this Kingdom: And if they be without this Kingdom, by open proclamation at the Market Croſs of Edinburgh, Piere and ſhoar of Leith upon threeſcore dayes warning, to make payment unto the ſaid Sheriffs, Stewards, and Bailies, their Deputies, and Clerks, Chamberlains, and Receivers of our Soveraign Lords proper lands, every one of them for their own parts [*reſpectivè*] of the ſaid ſum of thirtie ſhillingsmoney foreſaid, for every pound land of old Extent pertaining unto them for every one of the ſaid four tearms payment, within twentie days next after they be charged thereto, under the pain of Rebellion, &c: And if they fail, To denounce, and eſcheat, &c. And if need be, that the ſaid Sheriffs, Stewards, Bailies, their Deputie and Clerks, Chamberlains, and Receivers of our Soveraign Lords proper land poynd and diſtraine the readieſt Goods and Gear being upon ſaid lands therfore, as they ſhall think moſt meet and expedient. And that the ſaid Earl Lords, Barons, Free-holders, Fewars, and Rentallers of our Soveraign Lord proper lands, have letters for their relief, to charge their Vaſſals, Sub-vaſſalls Ladies of Terce, Conjunct-feears, and Life-renters, to make payment of their parts of the ſaid Taxation, within twentie dayes next after the charge, under the pain of rebellion, &c. And if they fail, to denounce, and eſcheat, &c. And if need be, that they poynd, and diſtraine: providing alwayes, that the firſt tearms payment of the ſaid Taxation be ever paſt before the next tearm be charged for. And for in-bringing of the Burrows part of the ſame taxation, Ordains letters to be directed, Charging the Proveſt, and Baillies of each Burgh, to make payment of the Tax and Stent thereof, to the Collector Generall foreſaid, his Deputies, and Officers, in his name, having his power to receive the ſame at the particular tearms above ſpecified, under the pain of rebellion, &c. And if they fail, to denounce, and eſcheat, &c. And for their relief, that letters be directed, charging all and ſundry inhabitants within each Burgh, to conveen, and elect certain perſons, to ſtent their neighbors. And the ſaid Election being made, to charge the perſons elected, to accept the charge upon them, in ſetting of the ſaid Stent upon the Inhabitants of every Burgh: and to conveen, and ſet the ſame, and make a Stent-roll thereupon, as effeirs, within twenty four

four hours next after their charge, under the pain of rebellion, &c. And if they fail, to denounce, and eſcheat, &c. And ſuch like, the ſaid Stent-roll being made, and ſet down, as ſaid is, to charge the Burgeſſes, In-dwellers, and Inhabitants, within each Burgh, to make payment of their parts of the ſaid Stent, to the ſaid Proveſt and Bailies, conform to the Tax-roll, to be given out thereupon, within three dayes next after the charge, under the pain of rebellion, &c. And if they fail, to denounce, and eſcheat, &c. And if need be, that the ſaid Proveſt and Bailies poind and diſtraine therefore, as they ſhall think moſt expedient. It is alwayes provided, That no perſon whatſoever, be ſtented, or taxed, within Burgh, except according to the avail, and quantitie of his Rent, Living, Goods and Gear, which he hath within Burgh: no wayes reſpecting his lands, nor poſſeſſions, which he hath to Landward; for the which he will be oblidged to pay taxation to other Officers. Providing alwayes, that the firſt tearms payment of the ſaid taxation be ever paſt, before then next be charged for.

Attour, His Highnes, and His ſaid Eſtates, Decerns, and declares, That the charges to be given for payment of the ſaid Taxation, ſhall be executed before the tearms of payment above ſpecified, for every tearms payment particularly by it ſelf. And that the denunciation of Horning, following thereupon, ſhall not be executed untill the tearms of payment be by-paſt. Which denunciation ſo following, upon the charges given before the ſaid tearms of payment, the ſaid Eſtates decerns, and declares, to be valid, and ſufficient.

Attour, His *Majeſtie*, and the ſaid Eſtates, Condſiering the great abuſe which hath been uſed in all times by-gone, by ſundry of the Lieges of this Realm, againſt all good conſcience, in cauſing their poor Fermorers, Tennents, and Labourers of their Ground, being removeable, who are ſubject in payment of very dear Ferms, and other Duties, to relieve them of the whole burden of the by-gone Taxations: which hath been the occaſion of impoveriſhing of a great number of the ſaid Fermorers, Labourers, and Tennents, and bringing of them to utter wrack, and ruine: Whereas of reaſon they ſhould be altogether free from the payment of any Taxation, and the ſame ſhould be payed by ſuch as have free rents, lands, and goods, of their own. For remeid whereof, it is ſtatute and ordained, That no perſons whatſoever, exact or compell his Tennents, or Fermorers, removeable, who pay Ferm, and other dear Duties, for the Lands occupied by them, to pay any part of this preſent Taxation, or to ſute relief at their hands of the ſame. And if the ſame be found done by any perſons, that they ſhall be called, and conveened therefore, before His Highnes Juſtice, and his Deputies, as violent and maſterfull Oppreſſours of His Highnes ſubjects, and puniſhed therefore, according to juſtice.

As alſo, the ſaid Eſtates conſidering, that beſids the ordinary charges, which His *Majeſty* doth daily undergo, for the maintenance of the Honour, Eſtate, and Dignity of His Highnes Kingdoms; the extraordinary burdens, which now lyeth upon His *Majeſty*, by the occaſion before-written, are ſo great, and doth ſo near concern every Loyall and true hearted ſubject of this Kingdom, as members of that body whereof His *Majeſty* is the head, that in duety they think themſelves bound to bear a part of that burden, and to relieve His *Majeſty* thereof. Therefore beſide the ordinary taxation above-written, the ſaid Eſtates have for the ſpace of four years, next and immediatly following the tearm of Martinmes next to come, voluntarly, and freely granted unto His *Majeſty*, a yearly extraordinary taxation of the twenty penny of all annual-rents, which any perſon or perſons within this Kingdom, hath freely due and payable unto them yearly and tearmly, (their own annual-rents, wherein they are addebted to others, being firſt deduced.) The firſt tearms payment whereof ſhall be, and begin, at the ſaid feaſt and tearm of Martinmes next to come: and ſo forth, yearly and tearmly, at Whitſunday and Martinmes, untill the ſaid four years, and eight tearms payment thereof be fully and compleatly out-run.

And whereas the ſaid Eſtates have by Act of Parliament, authorized all and ſundry heretable Sheriffs, Stewards, Bailies, and Bailies of Regalities, and their Deputies, and the Proveſts and Bailies of Burrows, who are heretable Sheriffs within themſelves, within the bounds of their Juriſdictions: as likewiſe the Clerks, within the Juriſdictions where theſe Offices are not heretable: which Clerks have their Offices [*ad vitam*] to collect the ſaid extraordinary taxation, and make payment therof to the Collector Generall to be appointed by His *Majeſty* for receiving of the ſame: Therefore, and for in-bringing of the ſame extraordinary taxation, the ſaid Eſtates alſo Ordains Letters to be directed, charging all and ſundry the ſaid heretable Sheriffs, Stewards, Bailies, Bailies of Regalities, and their Deputies, and the ſaid Proveſt and Bailies, who are heretable Sheriffs within themſelves, as likewiſe the Clerks within the Juriſdictions where theſe Offices are not heretable, That they, and every one them, be North the River of Dee, within the ſpace of fifteen days after every tearm of Martinmes and Whitſunday: and that they, and every one of them, be South the River of Dee, within the ſpace of ten days after every tearm of Martinmes and Whitſunday, deliver to His *Majeſties* ſaid Collector Generall, a true and juſt Account and Inventor, of the whole ſums of money due to be payed by any perſon within the bounds of their Juriſdiction, for his part of the ſaid extraordinary taxation: And that they give up the ſame count and Inventor upon their Oath, ſolemnedly ſworn, that the ſame is juſt and true: And make payment unto His *Majeſties* ſaid Collector General, or to his Deputies in his name: having his power to receive the ſame of the whole monies due to be payed to His *Majeſtie*, conform to the ſaid Count and Inventor, within twenty days after each tearm, under the pain of Rebellion, &c. And in caſe the ſaid Sheriffs, Stewards, Bailies, Bailies of Regalities, and Clerks fail, to denounce and eſcheat, &c. For whoſe relief, that Letters be directed, Charging all and ſundry the ſaid annual-renters, to make payment to the ſaid Sheriffs, Stewards, Bailies, Bailies of Regalities, Clerks, Proveſt and Bailies of Burrows, of the ſaid twenty penny of all annual-rents, freely due and payable to them, within twenty days after the next charge, under the pain of Rebellion, &c. And if they fail, to denounce, and eſcheat, &c. And if need be, that the ſaid Sheriffs, Stewards, Bailies, Bailies of Regalities, Clerks, Proveſt and Bailies of Burrows, poind and diſtrain therefore, as they ſhall think moſt meet and expedient.

And His Highnes, and Eſtates foreſaid, Ordains the Lords of Seſſion to be only Judges to all ſuſpenſions to be craved and ſured by any of our Soveraign Lords Lieges, touching the ſaid Taxations. Which ſuſpenſions His *Majeſtie* and Eſtates foreſaid finds, may be granted upon lawfull and equitable reaſons to be conſidered by them, and diſcharges all other Judges within this Realm, of granting of any ſuſpenſions thereanent. With power to the ſaids Lords to delegate five at the leaſt of their ordinary number, as they think expedient, to ſit, cognoſce, and decide the ſaid ſuſpenſions, in time of vacance, if need be.

ACT IV.

An Act of Ratification, in favours of the Prince His Highnes.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, Ratifies, Approves; and for Him and His Succeſſors, perpetually confirms all and whatſoever Infeftments, Gifts, Donations, and other Rights, and Titles, made, or granted by His *Majeſty*, or any other His moſt noble Progenitors to His Highnes, CHARLES, Prince and Steward of SCOTLAND, His *Majeſties* deareſt Son, or any others His Highnes, the Prince, Predeceſſors,

Princes

Princes, and Stewards of SCOTLAND, of whatſoever Lands, Lordſhips, Barronies, Superiorities, Offices, Teinds, Annual-rents, Advocations, Donations and Rights of Patronage of Kirks, Benefices, Chaplanries, Altarages, and others, whatſoever, where ever they ly within the Kingdom of SCOTLAND: together with all Acts of Parliament, other Acts, Laws, Statutes, Conſuetudes, Immunities, Honors, Priviledges, Prerogatives, and Liberties, whatſoever made, introduced, or joyced by His Highnes, the Prince, or any His Highnes Predeceſſors, Princes of SCOTLAND, in any time by-gone. Notwithſtanding whatſoever Acts of Parliament, other Acts, Laws, or Conſtitutions, which may appear to derogat to the ſame, or that may or can be extended, or be interpret in the contrary thereof, either ſpecial or general. And further declares, that this general Ratification ſhall be as effectual, as if all and ſundry the ſaid Inteſtments, Gifts, Donations, Acts, Privi-ledges, Immunities, Prerogatives, and others foreſaids, were at length herein expreſſed, named, and numbred. Anent the which His *Majeſty*, with advice and conſent of the Eſtates, have diſpenced, and diſpence, by theſe preſents: Reſerving alwayes the Lands, and others, aſſigned for the entertainment of the Caſtle of *Dumbartan*, to be applyed to that uſe, untill ſome other proviſion be made thereto, in place of the ſame.

ACT. V.

Anent the Plantation of Kirks, as yet unplanted.

OUR Soveraign Lord, underſtanding, that there be divers Kirks within this Kingdom, which by the late Commiſſion appointed for plantation of Kirks, in the Parliament holden in *June*, 1617. were not ſetled nor provided with conſtant ſtipends. But which yet remain diſfurniſhed, and unprovided of competent means to be given to the Miniſters, who ſhall be provided to the charge and function of the cure of the ſame. And therewith alſo His *Majeſty* conſidering, that there have been heretofore ſundry Kirks united together, and conjoyned in one: albeit upon good conſiderations, it may be found more expedient, that the ſame union be diſſolved, and that the ſaid Kirks be provided ſeverally, with diſtinct functions, and ſeparate ſervices, at ſuch places where the commodity may affoord, in the ſame manner as if no ſuch Union had been made. And ſuch like, becauſe there be ſome Kirks, whereof the Parochin is of ſo large bounds, that many of the Parochiners, dwelling in rowms of the Parochin ſo remote from the Kirk: who for the great diſtance of the place, or for the interjecting of waters betwixt their rowms and the Kirks, which oftentimes, and eſpecially in Winter, are not paſſable, or for ſome ſuch other known impediment, cannot have acceſs and repair to the Paroch Kirks at the ordinary times appointed for Divine Service and Worſhip, and enjoy the comfort of the Exerciſe thereof. And Our Soveraign Lord, according to the Princely and Godly induements, wherewith His *Majeſtie* is ſingularly bleſſed, being moſt carefull to eſtabliſh all good, and propagate the Religious and true worſhip of GOD, univerſally throughout all this whole Kingdom: Wherethrough all His People may have occaſion to participate the benefit of the Word, without feeling of any of theſe prejudices, growing from the above-written occaſions: which His *Majeſty*, in his Royal and Fatherly care over his people, is moſt deſirous to have removed: Therefore, His *Majeſty*, with expreſs advice, and conſent of the Eſtates of Parliament, hath granted full power

and Commiſſion, to the Lord Chancellor for the time: And to the reverend Fathers in GOD, John Archbiſhop of Saint Andrews: James Archbiſhop of Glaſgow: Alexander, Biſhop of Dunkell: Adam, Biſhop of Dumblane: Andrew, Biſhop of Galloway: John, Biſhop of Caithneſs: Six perſons nominat for the Clergy, and Prelates. And in caſe of deceaſe of any of them, to Patrick, Biſhop of Roſs: and Patrick, Biſhop of Aberdene. Which two perſons the Eſtates have nominated, to ſupply, and become, in the place of any of the other ſix aforeſaid, if any of them ſhall happen to deceaſe before this Commiſſion be finiſhed. To wit, the firſt of the two, in place of the firſt ſix deceaſing: To John, Earl of Winton: Robert, Earl of Lowthian: Thomas, Earl of Melroſs: John, Vicount of Lauderdail: John, Lord Balmerino: David, Lord Carnagie: Six perſons nominat for the Nobility. And in caſe of any of their deceaſe, To John, Earl of Wigton, nominate to become in the place of the firſt deceaſing: And Walter, Earl of Buckcleuch, nominat to become in the place of the ſecond. To the Commiſſioners under-written, nominat for the Barons: To wit, Sir Richard Cockburn of Clerkington, Knight, Lord Privy Seal: Sir William Levingſton of Killyth, Knight; Sir James Dundas, of Arneiſtoun, Knight: Sir Archibald Napier of Merchingſtoun, Knight: Sir Andrew Ker, of Phairniehirſt: Alexander Lauder of Halcoun. And in caſe any of their deceaſe, to David Crightoun, of Lugtoun: and Sir John Hammiltoun of Preſtoun, Perſons nominat, to become in order, as they are named, in place of any of the ſix deceaſing. And to John Byres, Burgeſs of Edinburgh: Maſter William Ferguſon, Burgeſs of Dundee: Andrew Bell, Burgeſs of Linlithgow: Robert Taylor, Burgeſs of Saint Andrews: Maſter James Cockburn, Burgeſs of Haddingroun: and Sir George Bruce of Carnock, Knight, Burgeſs of Culroſs: Six perſons nominate for the Burrows. And in caſe of any of their deceaſe: To Alexander Clerk, Merchant, Burgeſs of Edinburgh: and Maſter Alexander Wedderburn, Clerk of Dundee: perſons nominat, to ſupply in order, any of the other ſix Commiſſioners foreſaid deceaſing. Which foreſaid Commiſſioners, or any four of each Eſtate nominat, as ſaid is, conſenting and agreeing in one voice, ſhall have power to conſult, conveen, and determin, upon the matters, and in manner under-written: Providing always, that there is, and ſhall be requiſit to the validity of any Act, Concluſion, Ordinance, and Determination of the ſaid Commiſſioners, the conjunct aſſent of four of every one of the ſaid four Eſtates, all agreeing together in one voice. Without the which conſent of the ſaid four of every Eſtate ſo agreeing, The reſt of the ſaid Commiſſioners ſhall have no power to make any valide, or effectuall concluſion, by vertue of this preſent Commiſſion: But whatſoever ſhall be otherwiſe done, is declared to be of none avail, force nor effect.

That is to ſay, Our Soveraign Lord, and Eſtates of Parliament, by the Tennor hereof gives, grants, and commits, full power and authoritie to the ſaid Commiſſioners, to meet, and conveen, in the Town of Edinburgh, at ſuch time, and times, as they ſhall appoint, and find convenient: And thereto call, and ſummond before them, all Patrons, Tackſ-men of Teinds, great and ſmall, and others, having Right, by whatſoever Title to the Teinds of any of the Kirks within this Kingdom, which are not already planted by the foreſaid firſt Commiſſion: and which ſhall any wayes be medled with by this preſent Commiſſion, as they ſhall think neceſſarie, and expedient, To exhibite, and produce before them, their Rights and Titles, whereby they claim the ſaid Teinds, to be ſeen, and conſidered, by the ſaid Commiſſioners: With power unto them, out of the ſaid Teinds, of every Parochin and Kirk, not already planted: To appoint and aſſign, at their diſcretions, a perpetual locall Stipend to the Miniſters preſent, and to come, at all the ſaid Kirks, unprovided, as ſaid is: And that notwithſtanding any Right or Title pretended by the ſaid Tackſmen, or others, in whoſe Favours Teinds have been erected: With power alſo, to the ſaid Commiſſioners, to diſ-unite ſuch Kirks, one or moe, as were

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united of before, and appointed to be ſerved by one Miniſter. And as they upon good conſiderations ſhall find requiſite to appoint the ſame to be ſerved by ſeverall functions, and charges, as diſtinct Parochins, after ſuch manner as ſhall be found by them moſt expedient. Providing alwayes, That all parties having intreſs in the union, and diſ-uniting of the ſaid Kirks, and plantation thereof, give their expreſs warrand and conſent thereunto.

In the which caſe of Plantation, and proviſion of the Kirks which ſhall be diſ-joined, as ſaid is, the preſentation of the Miniſters ſhall be appointed by the ſaid Commiſſioners, to pertain to the Patrons, conform to their right thereof, to be produced before them. And as the ſaid Lords Commiſſioners ſhall find moſt agreable with reaſon and equitie. With power likewiſe to the ſaid Commiſſioners to appoint and ſet down ſuch ſolid order, for erecting and building of new Kirks, in any Parochins, where they ſhall find neceſſitie, and conveniencie to do the ſame, and where the Parochiners are not preſently well and commodiouſly ſerved at the preſent Kirks of the Parochin, as they ſhall find moſt expedient. And the ſaid Kirks being erected, with power to the ſaid Commiſſioners, to provide the ſame with ſuch proportion of Stipends, as they ſhall find may be with leaſt prejudice, and beſt commoditie, made out of the fruits of the ſaid Parochins, to the Miniſters, to be appointed to ſerve at the ſaid new builded Kirks, To the which building and making of new Kirks, & providing of the ſame with competent Stipends, The ſaid Eſtates finds and declares, that it ſhall be expreſly neceſſary, that the Patrons, Tack-men, and other parties, having Intereſs in the Erection and building of the ſaid new Kirks, and in the planting and proviſion thereof foreſaid, give their expreſs warrand and conſent thereunto. Which being ſo had, and obtained, With power to the ſaid Commiſſioners, to proceed therein as is moſt agreeable with reaſon.

It is alwayes declared, that in all, and every one of the caſes above-written: that is to ſay, Either in providing of Kirks not planted of before, or in diſuniting of Kirks formerly joyned: and appointing of ſeverall and diſtinct Stipends to the ſame: Or in the Erecting of new Kirks, and proviſion of them, with Miniſters, and ſtipends: The ſaid Commiſſioners ſhall have expreſs power and warrand, to determine, and appoint ſuch proportion and quantitie as they ſhall find expedient, either amounting over the ſum of five hundreth Markes, or beneath, and under the ſame, as they ſhall find may moſt conveniently and commodiouſly be had: after the conſideration of the quantity and eſtate of the fruits of the Kirk, and the caſe wherein the ſame is: and as may be with leaſt prejudice ſpared out of the ſame. And the ſaid Eſtates finds and declares, That the ſaid Commiſſioners ſhall have no power, by vertue of this Commiſſion, to alter, or meddle with any Kirk which was ſetled by vertue of the foreſaid Commiſſion, granted in *Anno* 1617. years: Or to change the eſtate thereof in any wayes: Or yet to erect, build, or provide any new Kirk without the ſpeciall and expreſs conſent of all parties, having Intereſs had, and obtained thereunto: Without whoſe conſents, it ſhall not be lawfull for the ſaid Commiſſioners, in any wayes, to touch the ſaid Kirks ſo provided. But the ſame are expreſly excepted (Except in caſe of conſent foreſaid) out of this preſent Commiſſion.

And alſo, Forasmuch as the ſaid Eſtates of Parliament, conſidering the particular Petitions and Supplications after ſpecified, given in to them by the perſons under-written, to the effect following: To wit, A petition given in, by Thomas Burnet of Leyes, Deſiring a new Kirk to be erected, and builded, within the Parochine of Fettereſſo, upon any part within the ſame Parochin, moſt ewest for the inſtruction of the Parochiners of Fettereſſo, who dwell moſt remote from the preſent Kirk thereof. Item, a Supplication given in by the Gentlemen and Parochiners of the Parochine of Roiſneth; Deſiring that the Kirk of Roiſneth, for the cauſes ſpecified in their Supplication, founded upon

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the incommodious ſituation of the ſaid Kirk, might be tranſported out of the Yle of Roiſneth, where it preſently ſtandeth, to that part of the mayn Land of the ſaid Parochin, called the Lands of Ardinconnell, as place moſt convenient, and indifferent for the whole Parochiners to reſort unto. Item, a Petition given in, by *John*, Earl of Wigton, Lord Flemming, and Cumbernauld, and, remanent Parochiners of the Parochin of Leinzie: craving licence to tranſport, found, build, and erect, the Kirk of the ſaid Parochin of Leinzie, preſently ſtanding at the Weſt end of the Parochin thereof; to any other part of the ſame Parochin, near the middeſt thereof, moſt convenient for the eaſe of the whole Parochiners: And being builded, to be declared to be the onely Kirk of the ſaid Parochine of Leinzie. Item, two Warrands given in, under His Highnes Hand, concerning the appointing and determinating, which of the two Kirks of Larbair and Donypace formerly united, ſhould be the ordinary place of publick Divine Service of the ſaid two Parochins, As in the ſame two Patents containing their own ſeverall deſires at more length is contained. Item, a petition given in, by the parochiners of the parochins of Kilcharran, Kilmichaell, and Kilchuſlane, united by the former Commiſſion: and of the parochins of Kilcolmkill, and Kilblane, alſo united by the ſame Commiſſion: all lying within Kintyre: Deſiring liberty for building and erecting of a Kirk for ſerving of the firſt three parochines, with another Kirk for ſerving of the two laſt parochins, both united as ſaid is. Item, a Supplication given in, by *John*, Lord Hay, of Zeſter, and the poſſeſſours of the lands of Rodonno: Deſiring, that the ſame lands of Rodonno, with the pertinents, ſhould be declared to have been, and to be in time comming, a part of the parochin of Lyns, as alſo craving, that it might be lawfull to the ſaid *John*, Lord Hay, of Zeſter, to build a Kirk upon the moſt commodious place of his lands of Rodonno, or Meggett, for ſerving of the Inhabitants thereof, at ſuch times as they ſhould be impeded by ſtorm of weather, from comming to the Kirk of Lyns. Item, a ſupplication given in, to the ſaid Eſtates, Deſiring, that the diſſolution of the fourty pound land of Buchanan, from the Kirk of Luſs, and union thereof, to the Kirk and parochin of Inſchcalzieoche, done by the former Commiſſion, might be now ratified: and the ſame fourty pound land, declared to remain in time comming, as part of the parochin of Inſchcalzieoche. Item, a petition given in, by Patrik, Biſhop of Aberdene, Deſiring the Eſtates, to give power to the foreſaid Commiſſioners, to ratifie and approve the voluntarie Diſſolutions of the former unions of theſe Kirks within his Diocie, to the ſeverall proviſions, whereof the parties having Intereſs thereintill, have conſented, and to admit theſe who make offer at the ſight of the Biſhop and Presbyterie, where the Kirks ly, To provide the ſame ſeverally, Albeit they ſhall not make out the full rate and ſtipend appointed by the laſt Commiſſion. And laſt, a petition given in, by the Miniſter at the Kirk called Chriſts Kirk, at Udney: craving the ſame Kirk to be ſufficiently planted, and provided, with a conſtant and locall ſtipend, and the ſame made ſure to the Miniſter ſerving the cure at the ſaid Kirk, as the foreſaid Supplications, Petitions, and Patents (*reſpective*) above-written, in themſelves more fully proports.

And Finding the Deſires foreſaid reaſonable, Our ſaid Soveraign Lord, and Eſtates of Parliament, Gives, Grants, and commits, full power and authority to the ſaid Commiſſioners, to appoint, determin, and ſet down, ſuch ſolid Order anent the whole particulars above-mentioned, and every one of them, as they after conſideration and tryall had, and taken, by them thereanent, ſhall find moſt expedient, and agreeable with reaſon. To the doing whereof, in every one of the particulars foreſaid, (Except anent the building of a new Kirk within the Parochin of Fettereſſo, as is deſired by the Laird of Leyes) The Eſtates Findes, and Declares, That it ſhall be onely neceſſarie to ſummond all Patrons, Tack-men, and other parties whatſoever, having Intereſs in the particulars foreſaid, to hear, and ſee order taken in the premiſſes thereanent:

That

That after citation, the Commiſſioners may conſider of the Intereſs and prejudice, if any ſhall be qualified by any perſon before them, anent the particulars above-mentioned: and may then proceed therein, as they ſhall find moſt expedient. But the Eſtates finds, and declares, That in the ſetling and determination of the firſt particular above-mentioned, anent the building of a new Kirk within the Parochin of Fetteresſo, There ſhall be expreſly requiſit, the ſpeciall and expreſſe conſent and warrand of the parties, having Intereſs thereintill: By, and beſide the citation and ſummonding of them to that effect: And finds, and declares, That the Decreet and Sentence of the ſaid Commiſſioners, to be given by them in all the particulars foreſaid, and every one of them ſhall have the ſtrength, force, and authority of a Sentence, and Act of Parliament, ſuch like as the ſame had been done, and determined by the ſaid Eſtates themſelves.

And becauſe Reaſon and Equitie craveth, That recompenſe ſhould be made unto the Tackſ-men, and other perſons whatſoever, who ſhall be by the ſentence of the ſaid Commiſſioners, hurt and prejudged of their preſent profit, which they may lawfully bruik, by vertue of their Titles and Rights, eſtabliſhed in their perſons: and upon whom, by vertue of the ſaid Sentence, any Burthen of the Suſtentation and proviſion of the ſaid Kirks and Miniſters is to be impoſed: Therefore, Our Soveraign Lord, and Eſtates of Parliament, Gives full power, and commiſſion, to the ſaid Commiſſioners, ſo to proceed in the determining of the ſaid recompence, that in caſe the Lord, or any other, having right to erected Prelacies, who ſhall be cited before them, refuſe to take the Burthen of plantation of any Kirks belonging to the ſaid erected Prelacies, which are in any of the caſes above-written: And that upon their refuſal, (The ſame refuſall being firſt found reaſonable by the ſaid Commiſſioners) the burthen of the ſaid plantation ſhall be laid and impoſed by the ſaid Commiſſioners, in whole or in part, either upon the principall Tackſ-men of any of the fruits of the ſaid Kirks: Or in caſe of the Tackſ-mens refuſall, the burthen be impoſed upon the Sub-Tackſ-men thereof: The ſaid Commiſſioners ſhall have power to decern, appoint, and ordain, ſuch particular recompence to be given unto the ſaid Tackſ-men, or Sub-Tackſ-men, by renewing of their Tackes, or Sub-Tackes, after the expyring thereof, upon ſuch conditions; as the ſaid Commiſſioners ſhall find reaſonable. Reſpect being had to the qualitie and proportion of the burthen to be impoſed upon them, within the time of their Tackes and Rights, further than they are aſtricted by their ſaid rights: or by appointing ſuch other reaſonable ſatisfaction, as they ſhall find the ſaid burthen and diſtreſs under-gone by any of them, ſhall deſerve, and require.

Like as the ſaid Commiſſioners ſhall have ſuch like power to determin, decern, and appoint ſuch particular ſatisfaction, and recompence, to be given either to the Laick-patrons, or to the Tackſ-men of the Fruits of the Kirks, belonging to the like patronages and Sub-Tackſ-men thereof, as they ſhall think may be anſwerable to the burthen to be impoſed upon either of them, for the cauſe above-written proportionally. In the preſcribing of the which recompence, The ſaid Commiſſioners ſhall have ſpeciall reſpect, what conſideration they find reaſonable to be given to the ſaid Patrons, for their conſents to the Tackes, if any ſhall be appointed, and decerned to be ſet, and given unto the ſaid Tackſ-men, for recompence foreſaid. And if any beneficed perſon, upon juſt and reaſonable cauſes, refuſe to provide any Kirk belonging to their benefice, according to the order hereby preſcribed, whereby the burthen of plantation, or further proviſion for the Kirk, muſt neceſſarily ly upon the Tackſmen, or Sub-Tackſ-men of the fruites thereof: The ſaid Commiſſioners, in that caſe alſo, ſhall decern ſuch recompence to be given to the ſaid Tackſ-men, and Sub-Tackſ-men, for their loſs and prejudice ſuſtained, as the ſaid Commiſſioners ſhall find the ſame ſhall merite, by renewing of Tackes unto them, upon ſuch conditions as may requite their loſs: Or by finding out ſome other reaſonable mean, which may repair the ſame.

And

And our ſaid Soveraign Lord, with advice and conſent of the ſaid Eſtates, Declares, ſtatutes, and ordaines, that all Tackes, which ſhall be decerned by the ſaid Commiſſioners, to be given in recompence to any perſon whatſoever, for the cauſes above-written: and which ſhall be ſet for obedience. and conform to the ſaid Decreet, and ſentence, whatſoever years, or long ſpace the ſaid Tackes ſhall comprehend, ſhall be good, lawfull, and ſufficient ſecurities, to the perſons in whoſe favours the ſame are appointed to be given, and conceived. Neither ſhall the ſame be any wayes prejudged, by the Act made in the Parliament holden in *Anno* 1617. By the which it is ſtatute, That no Arch-biſhop, Biſhop, or Prelate, ſhould ſet in Tack any part of their patrimonie, for longer ſpace nor nineteen years: And, That no inferiour beneficed perſons ſhall ſet in Tack any part of their Benefice for longer ſpace nor their own life times, and five years thereafter, as the ſaid ſtatute proports: From the which ſtatute the ſaid Tacks ſo appointed to be ſet and given in recompence, are, and ſhall be excepted, and reſerved, and ſhall no wayes come under the compaſs of the ſame Act and ſtatute, nor in any thing therein contained. But the ame ſhall remain, and abide, valide, and ſufficient rights, for the whole ſpace and years appointed therein, according to the Tennor thereof: notwithſtanding of the ſaid Act and Statute. And becauſe it may fall forth, That in the recompence to be appointed, by the ſaid Commiſſioners, to the Patrons, Tackſmen, and Sub-Tackſ-men, for the aforeſaid burthen to be impoſed upon them, Moe years may be aſſigned for prorogation of their preſent Tacks, nor may lawfully, or conveniently be ſet, by the preſent beneficed perſons, to whom by Law the ſetting of Tacks of Teinds belongs.

For remeed thereof, Our Soveraign Lord, with advice and conſent of the ſaid Eſtates, Declares, Statutes, and Ordaines, that it ſhall be lawfull for the Commiſſioners foreſaid, to appoint as many years after the expiring of the preſent Tackes, to the Tackſ-men of the ſaid Kirks, and Teinds: Or to the patrones or Sub-Tackſ-men (*reſpective*) for bruiking of the ſaid Teinds, for recompenſe of the ſaid burthen, as they ſhall think reaſonable: Which ſhall be as good, valid, and ſufficient Rights, to the ſaid Patrons, Tackſ-men, or Sub-Tackſ-men, (*reſpective*) and unto their Heirs and Aſſignes, for bruiking, poſſeſſing, and diſponing on the ſaid Teinds, during the ſaid years of prorogation: As if good, lawfull, and valid Tacks and Rights of the ſaid Teinds had been ſet, and made to them, by the Titulars of the Benefices, to whom the ſame belonged: With conſent of all parties having Intereſs: With expreſs proviſion and declaration, That at the expyring of all the ſaid years, the right of the ſaid Teinds, and power to ſet Tackes thereof, ſhall return, and appertain to the aforeſaid Titulars of the foreſaid Benefices, as they did before the making of this preſent Act. And our ſaid Soveraign Lord, with advice of the Eſtates, Declares, and Ordaines this preſent Commiſſion to begin upon the tenth day of *Januarie*, next to come, with continuation of dayes: and to laſt and endure, during the ſpace of year and day thereafter. After the which time, the ſame ſhall ceaſe and expire: And ordaines the Decreet, and Sentence of the ſaid Commiſſioners, in all the particulars foreſaid, and every one of them, to have the ſtrength, force, and authority of a Decreet, Sentence, and Act of Parliament: For obedience whereof, the Lords of Seſſion ſhall direct and grant Letters in form as effeirs, and according as ſhall be neceſſary. Which Commiſſion above-written, taking force, and full effect, in all the ſaid particulars therein contained, as the ſame are ſet down, and comprehended therein, by pronunciation of decreet and ſentence upon the ſame, conform to the power therein comprehended, given unto the ſaid Commiſſioners.

Our Soveraign Lord, with expreſs conſent, and aſſent, of the Eſtates, in that caſe, finds, and declares, That no perſon, in whoſe favours the Teinds of Kirks, and Benefices, are erected: nor no other, whatſoever, bruiking Teinds, by vertue of rights lawfully made to them of the ſame, according to the Laws

of

of this Realm then ſtanding, ſhall be ever further altered, or quarrelled in any of their ſaid rights in any time to come, further then ſhall be appointed by the ſaid decreet and ſentence to follow upon this preſent Commiſſion. But the ſaid rights and ſecurities in caſe foreſaid, ſhall remain in their own ſtrength, force, and effect: as good, lawfull, and ſufficient rights, and ſecurities, unto them, and every one of them, for their own parts, for bruiking and enjoying of the ſaid Teinds, conform to the tenour of the ſaid rights, for now, and for ever.

ACT VI.

Anent Compriſings.

OUR Soveraign Lord, and Eſtates of Parliament, conſidering that His *Majeſties* Lieges are greatly damnified, and prejudged, by the abuſe and evill cuſtome, which heretofore hath been obſerved in Compriſings: whereby Lordſhips, Baronies, and other great portions of Lands are compriſed for ſmall ſums of money: and thereby the compriſer hath right to the mailes, duties, and profits of the Lands: notwithſtanding that they far exceed the profit of that ſum of money for the which the ſaid Lands are compriſed. For remeed whereof, It is ſtatute, and ordained, That the compriſer ſhall have no further right to the mailes, ferms, and duties of the compriſed lands, by vertue of the compriſing led at his inſtance, during the years and ſpace that the ſame is redeemable, but only to ſuch part and quantitie thereof as will correſpond to the Annuell-rent of the ſum, at ten for the hundreth, for the which compriſing is led with this proviſion always, and expreſs declaration, That if the mailes and duties of compriſed lands exceed the proportion of the annuell rent of the foreſaid ſums, for the which the compriſing is deduced, and that the compriſer pleaſe to intromet therewith, and according thereunto, that he have intromiſſion with the ſame, in that caſe his foreſaid further intromiſſion, which ſhall extend to any greater quantity then will juſtly ſatisfie him of the foreſaid annuell-rent, ſhall be aſcribed in payment and ſatisfaction of his principall ſums, [*protanto.*]

Like as the Eſtates finds, and declares, That the ſame further intromiſſion ſhall be aſcribed in that payment of the ſaid principall ſum: So that if it ſhall happen, that the quantitie of the mailes and duties to be intromitted with by the compriſer, to extend unto as much as will ſatisfie the whole principall ſums, with the ordinarie annuall-rent thereof, according to ten for each hundreth, and the expenſes beſtowed by the Compriſer, in paſſing, and obtaining Infeftment of the Superiour, of whom the Lands are holden: together with the annuall-rent of the ſaid ſums, ſo given by the Compriſer to the Superiour, for entring of him to the compriſed lands, and the neceſſary expenſes and charges waired and beſtowed by the ſaid Compriſer, in leading and deducing the ſaid compriſing, in that caſe, thereafter the compriſing to expyre [*ipſo facto*] and to ceaſe in all times following.

And if that the perſon againſt whom compriſing is led, be Minor, and of leſſer age, it is ſtatuted and ordained, That it ſhall be lawfull to him at any time within his perfect age of twenty five years compleat, to redeem the ſaid compriſed lands, by payment of the ſums, for the which the ſaid compriſing was led, and of the lawfull annuall-rents thereof, according to ten for each hundreth, Together with the expenſes beſtowed in paſſing and obtaining of the Infeftment from the Superiour, and ordinarie annuall-rent of the ſame: together alſo, with the neceſſary expenſes beſtowed in leading and deducing of the ſaid compriſing, as is above-written. And that notwithſtanding of the preceeding Laws, and Practique of this Kingdom, by the which the Legall reverſion of compriſed Lands, expired within ſeven years after the leading of the compriſing: From the which His *Majeſtie* and Eſtates hath, by this preſent Act, and Statute, excepted Minors, in all times coming, declaring the ſame no wayes to run

againſt them. But it is Declared, that if a Minor redeem not Lands compriſed, (the right of reverſion whereof is competent in his perſon) within ſeven years after the leading of the ſaid compriſing, but according to the benefit granted unto him by this preſent Act, ſuffer the compriſed Lands to remain unredeemed, with the compriſer, during all the years of his Minority, and leſs age: then, and in that caſe, the compriſer ſhall have good right, to meddle, and intromet, with the whole Mailes and Duties of the compriſed Lands of all theſe years ſubſequent, after the expyring of the ſaid ſeven years, and interveening betwixt them, and the ſaid years of his Majority, and perfect age of twenty five years compleat: Notwithſtanding that the duties of the lands extend to more then will anſwer to the annuall-rent of the money, for the which the land is compriſed. And if it ſhall happen a Minor, having right to redeem compriſed lands, as ſaid is, deceaſe before he be of perfect age of twenty five years, and that another Minor be Heir, or ſucceed unto him in his right of reverſion, and title, competent to him, for the redemption of the ſaid compriſed lands: that Minor ſo ſucceeding in the rights, ſhall have the ſame liberty and priviledge above-written, for redemption of the ſaid lands, ſuch like, and in the ſame manner, as if they had been compriſed from himſelf, wherein he ſhall no wayes be prejudged by the years which ran after the compriſing, in the life-time of that perſon Minor in whoſe right he ſucceedeth, but that he may ſuch like lawfully redeem the ſame at any time before his Majority, as ſaid is.

And it is Declared, That in caſe any Minor, having the right of the ſaid reverſion competent unto him, ſhall happen to deceaſe after the expyring of ſeven years out-run, after the ſaid compriſing, and that a perſon of perfect years ſucceed to the ſame Minor, in the right of his reverſion aforeſaid: in that caſe the ſaid perſon Major ſo ſucceeding, ſhall be holden and aſtricted to redeem the ſaid compriſed Lands, within the ſpace of year and day after the deceaſe of the ſaid Minor, in whoſe right he ſucceedeth. Otherwayes, the ſaid redemption not being uſed by him within that ſpace, he ſhall be perpetually ſecluded from all benefit which he may claym by the reverſion and ſucceſſion thereunto foreſaid, and all power of redemption of the ſaid Lands, by vertue thereof. But if at the time of the Minors deceaſe, all the ſaid ſeven years were not expyred, It ſhall be lawfull for his ſaid Succeſſor (being Major) to redeem, within the ſpace of ſo many of the ſaid ſeven years, as were not out-run the time of the Minors deceaſe: ſuch like as if the ſaid Lands had been compriſed from the ſaid Minor himſelf. Which time being expyred, and he doing no diligence, he ſhall be excluded from the benefit of his reverſion.

And it is ſpecially provided, That in all the above-written caſes, if the compriſed Lands be not worth ſuch yearly quantity of Maile and Dutie, as will proportionally effeir to the Annuall-rent of the ſaid Money, as ten for every hundreth, for the which compriſing is led: or being worth, that the ſame is exhauſted by other lawfull deeds: which may render the ſame unprofitable to the compriſer, and unanſwerable to the Annuall-rent of the ſums, for the which he hath compriſed, either in whole, or in part: then, and in that caſe, the redeemer (whether he be Major, or Minor) ſhall be holden, before he can redeem, or out-quite the ſaid Lands, from the compriſer, to refound and pay to him, the full Annuall-rent and profit of the ſums, for the which the lands were compriſed, ſo far as he wanteth, and inlacketh, by the benefit of his ſaid compriſing. And if the rent of the Land ſo compriſed, conſiſt in victuall, The eſtimation and conſideration thereof, ſhall be had according to the common prices of Victuall in thoſe Shires where the compriſed lands ly: according as the ſame giveth betwixt Zuile and Candlemeſs. And the ſaid Eſtates Declares, That this above-written Statute ſhall no wayes extend, nor be prejudiciall to compriſings, which are already preſcribed, before the date of this preſent Act.

ACT

ACT VII.

Anent Adjudications.

OUR Soveraign Lord, and Eſtates of Parliament, Conſidering the great prejudice ſuſtained by diverſe and ſundry Creditours, by deceaſe of their Debtors: who being preveened by the diligence of their Concreditors, by obtaining of Sentences of Adjudication of their defunct Debtors, Lands, and Eſtate, in reſpect of the refuſall of the neareſt of Kin, to enter Heirs to them, are excluded from participation of any part of the lands and goods pertaining to their ſaid defunct debtors: they beeing common debtors to the ſaid whole Creditors, contrary to all equitie and reaſon. For remeid whereof, It is Statute, and Ordained, that All Adjudications to be obtained by any perſon at any time hereafter, of any of their defunct debtors lands, and Eſtate whatſoever, with all rights and Infeftments following thereupon, ſhall be redeemable from the partie obtainer of the ſaid Sentences of Adjudication, their heirs and aſſignes at any time after the pronouncing of the ſame, at the inſtance of any Concreditor of the ſaid defunct debtor, or of any Creditor of the ſaid perſon, who renounceth to be heir to his predeceſſors, who ſhall happen thereafter to obtain decreet of Adjudication, againſt the appearing Heirs of the defunct debtor: And that within the ſpace of ſeven years, next and immediately following the obtaining of the ſaid Sentences of Adjudication, by payment of the ſums of money ſpecified in the ſaid Sentences: Together with the Annuall-rent of the ſame ſums, according to ten for each hundreth thereof, during the time of the not-redemption of the ſame: and of the expenſes ſuſtained by them in obtaining of the ſaid Sentences, to be taxed, and modified, by the Lords of Councell and Seſſion. By payment of the which ſums, the ſaid Concreditor ſhall come in the place and right of the party from whom he redeemeth: And ſhall bruik the ſame by vertue thereof, perpetually thereafter: Except it ſhall happen another Concreditor, who ſhall obtain the like ſentence of Adjudication, to redeem the ſame from him, within the ſpace above-written. In the which caſe, it is declared, That the partie redeemer, in the ſecond, third, or fourth rowm, and ſo forth, ſo long as there are any Concreditors, ſhall be obliged not only to pay the ſums contained in the Adjudication, obtained at the inſtance of the partie from whom he redeemeth: But alſo the whole ſums, which were payed by him unto the former Concreditors, for redemption of their Adjudications, with the Annuall-rent, and expences in manner above ſpecified.

It is alwayes declared. That if the partie from whom the ſaid Adjudications ſhall be redeemed, did up-lift the Ferms, and dueties of the lands, and others, contained in the Adjudications: That then, and in that caſe, the party redeemer ſhall not be holden to pay any annuall-rentes, or expences: but in ſo far as the ſame annuall-rents, and expences, exceed, and are more, than the Mailes, Ferms, and dueties, intromett with by the party from whom the ſame is redeemed. And if the ſaid Mailes, Ferms, and Dueties, exceed both the annuall-rent and expenſes, it is declared, That the *ſuper-plus* ſhall be allowed in the principall ſum, by the ſight of the Lords of Councell, Conſideration being had of the pryces of the Ferms, and Victuall, as the ſame were commonly ſold betwixt Zuile and Candlmeſs in the Sheriffdom where the lands ly. It is alwayes declared, That theſe preſents ſhall no wayes be extended to Decreets, and Sentences of Adjudication already recovered.

And ſuch like, it is declared, That in caſe any Minor, who hath renounced in his Minoritie, be reponed [*in integrum*] againſt the ſame renunciation: That then, and in that caſe, he ſhall have place to redeem, from the whole Creditours, by payment of the ſaid whole ſums owing unto them, and whereupon they obtained Adjudication in manner, and with the proviſions above ſpecified. And all

the reſt of the Priviledges granted to Minors, in Compriſings, to be likewiſe granted in Adjudications: which are here holden as repeated.

ACT VIII.

Anent the Extracts of Infeftments, paſt upon Compriſings, forth of the Privy Seal: where the ſame are not Regiſtrated at the great Seal.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, underſtanding that ſundry of His *Majeſties* Lieges, who for great ſums have compriſed their debtors lands, are heavily prejudged, through the fraudfull abſtracting, or deſtroying of the Writes, Infeftments, or Confirmations of the ſaid compriſed Lands: the ſaid Writes, Infeftments, and Confirmations, not being regiſtred in the Regiſter of the great Seal. Herefore, whereas any Creditor hath compriſed lands, holden of His *Majeſty*, and cannot recover forth of the perſons hands, from whom the ſame are compriſed, the King's right, and confirmation of the ſame Infeftment, given unto them thereof, leſt the negligence of the party, not regiſtracing the Infeftment, or Confirmation, after the paſſing thereof at the great Seal: Secunded with the ſubſequent fraud, in abſtracting and deſtroying the principall Right and Confirmation, ſhould unjuſtly indamnage the true Creditor, and Compriſer. His *Majeſty*, with advice and conſent of the ſaid Eſtates, wills, and declares, that if the ſaid Infeftments, and Confirmations of the ſaid perſons, from whom the ſaid lands are compriſed, have paſt the Privy Seal, and be regiſtrated in the Regiſter thereof: That notwithſtanding the want of the Infeftment and Confirmation under the great Seal, or the Extract thereof: the Extract of the ſaid Infeftment, or Confirmation, forth of the Regiſter of the Privy Seal: The ſame thereafter being paſt the great Seal, at any time ſhall be a ſufficient right to the Compriſer, whereby to poſſeſs and enjoy the lands compriſed: conform to the Laws made anent Compriſings: as freely in all reſpects, as if the ſaid Infeftments and Confirmations were extant, and regiſtrated in the Regiſter of the great Seal. Providing always, that this preſent Act ſhall no ways hurt nor prejudge any third perſon, who hath Infeftment or Confirmation of the ſaid compriſed lands, paſt the great Seal of an anteriour date to the ſaid Infeftment, ſo paſt the great Seal, in manner aforeſaid: but ſhall be only of force and effect againſt that perſon, from whom the lands are compriſed, his heirs, and Succeſſors.

ACT IX.

Anent giving of Licence to Biſhops to ſet their Ward-lands in Few-ferm.

OUR Soveraign Lord, and Eſtates of Parliament, underſtanding, that a good number of Kirk lands, pertaining unto Biſhopricks, and their Chapters, are diſponed of old to be holden by Service of Ward and Relief: Which form of holding yeelds no preſent nor conſtant rent and commodity: but is onely a caſuality which vaiketh not often: and when it vaiketh, is gifted and diſponed by the preſent Titulars, to their own particular uſe, without any benefit to their ſucceſſors. Whereas, if the ſaid Kirk Lands were ſet in Few-ferm for a competent yearly Duety, the ſame would not only augment, and meliorat the eſtate of the Benefice; but alſo diminiſh the occaſion of applying of Kirk rents to particular uſes. And His *Majeſty*, out of his royal care, and Princely diſpoſition, intending the preſervation of the Eſtate of the ſaid Biſhopricks, and their Chapters: and therefore being moſt earneſt to avoid and remove this evill: His *Majeſty*, and Eſtates, ſtatutes and ordains, That it ſhall be lawful for all Biſhops, and Members of Chapters, who have lands holden of them by ſervice of Ward and Relief, to ſet the ſame in Few-ferm, for payment of

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a competent Few-ferm duty, and doubling the ſame at the entry of the heir: Providing that the ſaid Few-ferm dutie be anſwerable to the retoured duty of the lands. And where the lands have not been retoured, that the retour be ruled according to the cuſtom of retours of Lands in the countrey of the like valour, where the ſaid lands ly: And declares, That this preſent Statute ſhall remain in full force and effect, for the ſpace of three years after the date hereof only, and no longer, while further order be taken thereanent.

ACT X.

Act declaring ſums Graſs, given to the Miniſters, for their Gleibs, to be Teind-free.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering in the fifth Parliament holden by his *Majeſty*, upon the twenty fifth day of *July*, in *Anno*, one thouſand five hundred threeſcore and eighteen years: cap. 62. His Highnes, with advice and conſent of the Eſtates, found, and declared, That the Miniſters and Readers ought and ſhould pay no teind for their Gleibs, and Kirk lands, extending to four Ackers of land, deſigned unto them conform to the Act of Parliament: But decerned and declared them to be free of their ſaid teinds, and diſcharged them [*Simpliciter*] thereof in all time coming. Likeas in the Parliament holden at *Perth*, the ninth of *July*, in *Anno*, one thouſand ſix hundreth and ſix years: cap. 7. It is ordained that there ſhall be deſigned to the Miniſters ſerving the cure at Kirks, where there is no arrable land adjacent thereunto, the number of four ſums graſs for every Acker, of four Ackers of Gleib, extending to ſixteen ſums Graſs, for the four ackers of land, and that of the moſt commodious and beſt paſturage of any Kirk-lands, lying next adjacent, and moſt eweſt to the Kirk: And ordained letters to be directed, for removing the poſſeſſors therefrom: in ſuch like form as againſt the poſſeſſors of Mans and Gleibs. And in reſpect that the Miniſters Gleibs are teind-free, and that by conſequence the ſums graſs above-mentioned, deſigned in ſtead thereof, where no arrable land is adjacent unto Kirks, ought likewiſe of all equity and reaſon to be teind-free, in reſpect the ſame is dedicated and appointed *ad pios uſus*.

Herefore, Our ſaid Soveraign Lord, with advice and conſent of the whole Eſtates of this preſent Parliament, by the tenour hereof, declares, That the Miniſters and Readers ought, and ſhould pay no teind for their ſums graſs, deſigned unto them in place of their Gleybe, where no arrable lands are adjacent to Kirks. And decernes and declares them to be free of their Teinds: and diſcharges them [*Simpliciter*] of all payment thereof, in all time coming

ACT. XI.

Ratification and addition, to the Act of Parliament made anent Reſtitution of Chapters.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, ratifies, and approves the Act of Parliament made in the moneth of *June* in the year of GOD, one thouſand ſix hundreth ſeventeen years, anent reſtitution of Chapters of Cathedrall Kirks, in all the Heads, Clauſes, Exceptions, Limitations, and Reſtrictions thereof. And further, Ordains, and declares, That all Deeds done ſince the date of the ſaid Act, or to be done hereafter, whereby any member of any Cathedrall Kirk, being an Office or Dignity, hath, or ſhall be ſuppreſt, or any Land, Parſonage, Vicarage, or other Living, belonging to the ſaid dignity diſſolved from the ſame, without an expreſſe warrand from His *Majeſty*, and conſent of Parliament: are, and ſhall be, with all that have

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followed, or ſhall follow thereupon, Null, and of no force, nor effect: and ſhall be ſo found in all time hereafter, by way of Action, exception, or reply. Providing always the Marqueſs of *Hammilton* His right to the Perſonage of *Hammilton* and Dalſorffe: The Earl *Marr* His right to the Perſonage of Carnwoth: and any other Perſon having lawfull rights conform to the Laws of the countrey, before the Act of Parliament, in *Anno* one thouſand, ſix hundreth, and ſeventeen years, be no wayes hurt, or prejudged herein.

ACT XII.

Anent Packing, and peyling.

FOR as much as by divers Acts of Parliament it is ſtatute and ordained, That no perſon uſe Packing nor Peyling of Wooll, Hides, nor Skins, loſs nor laid out with Free Burrows, and Priviledges of the ſame: Notwithſtanding whereof, divers ſtrangers, and other Inhabitants, within this Realm, do continually reſort to the Yles, and other places thereabout, with their Ships, Barks, and Crears, and other Veſſels: and do not only pack and peyl Skins and Hides; but alſo do tranſport from thence Butter, Tallon, and other forbidden Goods, to the great contempt of the ſaid Laws, and manifeſt defraud of our Soveraign Lord his cuſtoms.

For remeed whereof, Our Soveraign Lord, with advice and conſent of the Eſtates of [illegible] preſent Parliament, ſtatutes, and ordains, that no ſtrangers, nor Inhabitants [illegible]hin this Realm, take upon hand to pack or peyl any Hides or Skins in the ſaid places of the Yles, out-with the Free Burrows: nor that they tranſport, take away, or carrie forth of this countrey, any Butter, Tallor, or other forbidden Goods, under pain of tinſell and confiſcation of the Hides and Skins ſo packed and peyled by them: and of tinſell and confiſcation of the ſhip, and whole goods that the owner of the ſaid forbidden goods hath within the ſame. And ordains the Sheriffs of the Shires and their Deputies, and Over-Lords, of the Lands where the ſaid Skins, and Hyds are packed, and peyled, or from whence the ſaid forbidden goods are tranſported, To put this preſent Act to execution, as they will anſwer unto His *Majeſty*, upon their Office and Obedience.

ACT XIII.

Anent the diſcharging of Protections.

OUR Soveraign Lord, and Eſtates of Parliament, underſtanding that there may ſundry Protections be ſought by Bankrupts, and others, who are addebted in great ſums of money: whereby the execution due unto the Creditor, by the Laws of the Countrey, againſt the Debtor, may be fruſtrat, to the great damnage of the Creditor. For remeed whereof, it is Statute and Ordained, That hereafter the Lords of Seſſion ſhall grant no Protection from any Execution due and competent againſt any man of the Law. And Declares, that if any ſhal be hereafter granted, the granter of the ſame ſhall be ſubject and lyable of the Law to the Creditor for the ſum, from the which he hath granted protection.

ACT. XIV.

Anent playing at Cards and Dyce, and Horſe-races.

OUR Soveraign Lord, and Eſtates of Parliament, conſidering the manifold evils, and inconveniences, which enſue upon Carding and Dycing, and Horſe-races, which are now over-much frequented in this Countrey, to the great prejudice of the Lieges. And becauſe honeſt men ought not

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to expect that any winning had at any of the games above-written, can do them good, or prosper; Have therefore, statute and ordained, that no man shal play at Cards or Dyce in any common-house, Town, Hostelrie or Cooks-houses, under the pain of fourty pounds, money of this Realm: to be exacted of the keeper of the said Inns, or common houses, for the first fault: and tols of their liberties for the next. Moreover, that it shall not be lawfull to play in any other privat mans house, but where the Master of the family playeth himselfe. And if it shall happen any man to win any sums of money, at Carding or Dycing, attour the sum of an hundred Marks, within the space of twenty four hours: or to gain at Wagers upon Horse-races, any sum attour the said sum of an hundred Merks; The *super-plus* shal be consigned within twenty four hours thereafter, in the hands of the Thesaurer for the Kirk, if it be in *Edinburgh*: Or in the hands of such of the Kirk Session in the Countrey Parochins, as collects and distributes money for the poor of the same. To be imployed always upon the poor of the Paroch, where such winning shall happen to fall out. And to the effect, that either excess in play may be thus restrained; Or at the least, that excessive winning may be employed as said is: Our Soveraign Lord, by Acts of his supream Court of Parliament, Gives full power, and commission, to the Ballies and Magistrates of Burrows, the Sheriffs and Justices of Peace, in the Countrey, to pursue, and conveen all such persons, for all winning at Cards, Dyce, and Horse-races, which shall happen to be made by any person, by and attour the said sum of an hundred Merks, money aforesaid. And in case the Magistrate informed thereof refuse to pursue for the same, The party informer shall have action against the said Magistrate, for double the like sum: The one half whereof to be given to the poor, and the other half to the partie informer.

ACT. XV.

Act declaring all Tacks set for longer space nor three years, without consent of the Patron, being persons under the degree of Prelats, since 1594. to be null.

OUR Soveraign Lord, and Estates of this present Parliament, understanding that divers beneficed persons, under the degree of Prelats, have taken occasion upon an Act made in our late Parliament, holden at *Edinburgh*, the twenty eight day of *June*, one thousand six hundred and seventeen years, Intituled, Anent the setting of tacks by Prelats, and other beneficed Persons: To set Tacks and Assedations of Lands and Teinds of their said Benefices, or some parts and portions thereof, unto divers and sundry persons, for the said beneficed person his life time: and for the space of five years after his decease: without consent of the Patron. Albeit the said Act of Parliament giveth no such liberty to any beneficed persons, under the degree of a Prelat, to set such tacks. But only, declareth for what spaces a Bishop or other Prelat may set: and for what spaces a beneficed man, under the degree of a Prelat, may set. Which was done by the Estates, to restrict the unbounded liberty used in setting of tacks for many life-rents, and nineteen years. And the said declaration no wayes taketh away the lawfull solemnities, required to the setting of the said tacks, either by consent of the Chapter, or Patron. Which still remaineth in the own force, underogate. Otherwise, it should be lawfull for a Prelat to set tacks for nineteen years, without consent of the Chapter: which is altogether absurd.

And seing by an expreis Act, made in our Soveraign Lords fourteenth Parliament, holden at *Edinburgh*, the eight day of *June*, 1594. It is found, and declared, that no beneficed man, under a Prelat, within this Realm, may in time thereafter, set longer tacks of teinds, or other pertinents of their Benefice, without consent of their Patrons, but for the space of three years only. Which Act standeth in full force, strength, and effect: and is no ways annulled, nor taken away, by the said posterior Act above-specified.

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Therefore, His *Majeſty* and Eſtates foreſaid, for eſchewing of all contraverſie that may ariſe upon the ſaid laſt Act, Declares, that the ſaid laſt Act makes no derogation unto the ſaid firſt Act: And that all tacks ſet by beneficed perſons under the degree of Prelate, ſince the ſaid eight day of *June*, 1594. of any part of their ſaid benefices, longer then for the ſaid ſpace of three years, without conſent of their Patrons, are null and of none avail, conform unto the ſaid firſt Act above ſpecified.

ACT XVI.

Anent Metts and Meaſures.

OUR Soverain Lord, and Eſtates of Parliament, conſidering, That by the Act of Parliament holden in *June*, 1617. there was a Commiſſion granted unto certain perſons therein nominate, for appoynting and eſtabliſhing a conſtant Met and Meaſure, for buying and ſelling of Victuall within this Realm. Which Commiſſioners gave out their ſentence and determination, declaring the Meaſure and Firlot of Linlithgow, to be the juſt and only Firlot, which ſhould be uſed by all His *Majeſties* Lieges, in buying and ſelling of Victuall. Notwithſtanding whereof, there are many and great abuſes committed in this kingdom, contrarie to the ſaid Act and determination of the ſaid Commiſſioners: To the prejudice of His *Majeſties* Lieges.

For remeed whereof, His *Majeſty*, and Eſtates foreſaid, have ratified, and approved; and by the tennor hereof, ratifies, approves, and confirms, the Act and Statute [*reſpective*] above written, in the whole Heads and Conditions of the ſame: after the form and tennour thereof. And commands, and charges, all His *Majeſties* Lieges, and ſubjects, To acknowledge, imbrace, obey, and obſerve the ſame Act and ſtatute, [*reſpective*] in the whole heads and conditions of the ſame, in form and manner ſpecially and particularly mentioned and ſet down thereintill, after the forms and tenours thereof, under all higheſt pain, charge, and offence, which they may incurr, through their diſobedience, and as they will be anſwerable thereanent.

ACT XVII.

Anent the diſcharging of a Peck to the Bow.

OUR Soveraign Lord, and Eſtates of Parliament, Underſtanding of the fraude, and frequent abuſe, committed by many of His *Majeſties* ſubjects, Buyers and Blockers of Victuall: who knowing that there are conſtant and ſetled meaſures, lawfully eſtabliſhed, by the Laws and ſtatutes of this Kingdom: By the which all ſorts of Victuall univerſally ought to be bought and ſold, according to the quantitie appointed by the ſaid mets, without adding of any quantitie to the ſame, or diminiſhing there-from. Yet not the leſſe, when they make their bargaines and conditions anent the buying of any particular quantitie of Victuall, they by their undirect dealing, many times cauſe the Seller agree to ſuper-adde, and deliver unto them, by and attour the true quantitie which is bought and ſold at the pryces conveened upon, ſome certain farder quantitie of Victuall, leſs or more as they may beſt move the ſeller to condeſcend to, and for the which they are not ſubject in payment of any price, to the great prejudice of the Lieges, and the manifeſt abuſe and eluſion of the Law.

For remeid Whereof, It is ſtatuted and ordained, That it ſhall not be lawfull for any of His *Majeſties* ſubjects, to block, or agree, upon the price of Victuall, more or leſs, except they firſt agree and condeſcend upon the price of the firſt boll of the bargain: which being ſo agreed upon, the ſaid price ſhall rule

rule the whole quantity of the reſt of the bolls to be received by the buyer, who ſhall have no eik, or addition of any further quantity, except upon the payment of that ſame price, as is conditioned for the ſaid firſt boll: And if any perſon contraveen this preſent Act, he ſhall pay the ſum of Fourty ſhillings for every boll of Victuall received by him contrary to the tenour of this Act: and that by and beſide the prices of the victuall: the half of the ſaid ſum to His *Majeſty* and his Theſaurer, and the other half thereof to the party delator of the ſame.

ACT. XXVIII.

A Ratification of the Act of the Lords of Councell and Seſſion, made in Julie 1620. *againſt unlawfull Diſpoſitions and Alienations, made by Dyvers and Banck-rupts.*

OUR Soveraign Lord, with advice and conſent of the Eſtates, conveened in this preſent Parliament, ratifies, approves, and for his Highneſs, and His Succeſſours, perpetually confirms the Act of the Lords of Councell and Seſſion, made againſt Dyvours and banckrupts, at *Edinburgh*, the 12. day of *July*, 1620. and ordains the ſame to have, and take full effect, and execution, as a neceſſary and profitable Law, for the weal of all his Highneſs Subjects, Of the which Act the tenor followeth.

THE Lords of Councell and Seſſion underſtanding, by the grievous and juſt complaints of many of His *Majeſties* good ſubjects, that the fraud, malice, and falſhood of a number of Dyvers and bankrupts, is become ſo frequent, and avowed, and hath already taken ſuch progreſs, to the over-throw of many honeſt mens fortunes, and eſtates, that it is likely to diſſolve truſt, commerce, and faithfull dealing amongſt Subjects: Whereupon muſt enſue the ruine of the whole Eſtate, if the godleſs deceits of thoſe be not prevented, and remeeded; who by their apparent Wealth in Lands and Goods, and by their ſhow of Conſcience, Credit, and Honeſty; drawing into their hands upon truſt the Money, Merchandize, and Goods, of well-meaning and credulous perſons, do no wayes intend to repay the ſame: but either to live ryotouſly, by waſting of other mens ſubſtance: or to enrich themſelves, by that ſubtill ſtealth of true mens goods, and to withraw themſelves, and their goods, forth of this Realm, to elude all execution of Juſtice: And to that effect, and in manifeſt defraud of their Creditors, do make ſimulat and fraudfull alienations; diſpoſitions, and other ſecurities, of their Lands, Reverſions, Teindes, Goods, Actions, Debts, and others, belonging unto them, to their wives, children, Kinſmen, alleyes, and other confident and interpoſed perſons: without any true, lawfull, or neceſſarie cauſe: and without any juſt or true price interveening in their ſaid bargans: Whereby their juſt Creditors, and Cautioners, are falſly and godleſly defrauded of all payment of their juſt debts: and many honeſt Families likely to come to utter ruine.

For remedie whereof, the ſaid Lords, according to the power given unto them by His *Majeſty*, and His moſt Noble Progenitors, to ſet down Orders for adminiſtration of Juſtice: meaning to follow and practiſe the good and commendable Laws, Civill and Canon, made againſt fraudfull alienations, in prejudice of creditors, and againſt the authors and partakers of ſuch fraud; Statutes, ordains, and declares, That in all actions, and cauſes, depending, or to be intended by any true creditor, for recovery of his juſt debt, or ſatisfaction of his Lawfull action and right: They will, decreet, and decern, all alienations, diſpoſitions, aſſignations, and tranſlations whatſoever, made by the debtor, of any of his lands, teinds, reverſions, actions, debts, or goods whatſoever, to any conjunct or confident perſon, without true, juſt, and neceſſarie cauſes, and without a juſt price really payed, the ſame being done after the contracting of lawfull

debts from true creditors: To have been from the beginning, and to be in all times coming, Null, and of none availe, force, nor effect: at the inſtance of the true and juſt creditor, by way of action, exception, or reply: without further declarator. And in caſe any of His *Majeſties* good ſubjects (no wayes partakers of the ſaid frauds) have lawfully purchaſed any of the ſaid Bankrupts lands, or goods, by true bargains, for juſt and competent pryces, or in ſatisfaction of their lawfull debts, from the interpoſed perſons, truſted by the ſaid dyvours. In that caſe, the right lawfully acquired by him who is no wayes partaker of the fraud, ſhall not be annulled in manner forefaid. But the receiver of the pryce of the ſaid lands, goods, and others, from the buyer, ſhall be holden and obliſhed to make the ſame forth coming to the behoove of the bankrupts true creditors, in payment of their lawfull debts. And it ſhall be ſufficient probation of the fraud intended againſt the creditors, if they, or any of them, ſhall be able to verifie by writ, or by oath, of the partie receiver of any ſecurity from the divour or bankrupt, that the ſame was made without any true, juſt, and neceſſary cauſe, or without any true and competent price: Or that the lands and goods of the dyvour and bankrupt being ſold by him who bought them from the ſaid divour, the whole, or the moſt part of the price thereof was converted, or to be converted to the bankrupts profit and uſe. Providing alwayes, that ſo much of the ſaid lands and goods, or prices thereof ſo truſted by bankrupts to interpoſed perſons, as hath been really payd, or aſſigned by them to any of the bankrupts lawfull creditors, ſhall be allowed unto them, they making the reſt forth-coming to the remanent creditors, who want their due payments. And if in time coming any of the ſaid dyvours, or their interpoſed partakers of their fraud, ſhall make any voluntarie payment, or right, to any perſon, in defraud of the lawfull, and more timely diligence of another creditor, having ſerved Inhibition, or uſed horning, arreſtment, comprizing, or other lawfull means, duely to affect the dyvours lands, or goods, or price thereof to his behoove. In that caſe the ſaid dyvour, or interpoſed perſon, ſhall be holden to make the ſame forth-coming to the creditor, having uſed his firſt lawfull diligence: who ſhall likewiſe be preferred to the concreditor, who being poſterior unto him in diligence, hath obtained payment by partiall favour of the debtor, or of his interpoſed confident: and ſhall have good action to recover from the ſaid creditor that which was voluntarily payed in defraud of the purſuers diligence.

Finally, the Lords declares all ſuch bankrupts, and dyvours, and all interpoſed perſons, for covering or executing their frauds, and all others, who ſhall give counſell, and wilfull aſſiſtance unto the ſaid bankrupts, in the deviſing and practiſing of their ſaid frauds, and godleſs deceits, to the prejudice of their true creditors, ſhall be reputed and holden diſhoneſt, falſe, and infamous perſons, incapable of all honours, dignities, benefices, and offices: Or to paſs upon Inqueſts, or Aſſyſes: Or to bear witneſs in Judgment, or oute with in any times coming.

ACT. XIX.

Ratification of the Act of Councell, anent the pryces of Writs, Seals, &c. made 1606.

OUR Soverign Lord, With advice and conſent of the Eſtates of Parliament, Having conſidered the Act and Ordinance of Secret Councell, made anent pryces, ſet down to be taken by all Writers, Clerks, Keepers of Seals, and others, particularly expreſſed in the ſaid Act. Which is of the date at *Edinburgh*, the fourth day of *Februarie*, one thouſand ſix hundreth and ſix years, Hath ratified and confirmed the ſame, in every point and Article thereof. Which all and ſundry the premiſſes, Our Soveraign Lord, with advice and conſent foreſaid

foreſaid, ratifieth, and approveth, in all points, in manner as the ſame proports: and gives unto them the ſtrength of Laws, and Acts of Parliament: and ordains execution to paſs upon the ſame as effeirs.

Apud *Edinburgh*, quarto die menſis *Februarii*, 1606.

THE Lords of ſecret Councell and Seſſion, conſidering the great extortion uſed by the Writers and Clerks of all Judicatories within this Realm, in extorting from the ſubjects of the Countrey, ſuch unreaſonable and exorbitant pryces, for their Writtes, as ought not to be ſuffered in a well-governed Common-wealth: Procuring thereby not only private grudges but publick exclamations, againſt the with-gate and libertie granted unto ſuch ſhamefull ſcafferie and extortion, highlie to His Majeſties *offence, and contempt, hurt and prejudice of His* Majeſties *good ſubjects, and to the reproach and ſlaunder of the Judges, under whoſe Office and Judicatories the ſaid Clerks and Writers ſerve.*

For Remeed whereof in times coming, The Lords of Secret Councell and Seſſion, have ſet down the prices of all Letters, Acts, Infeſtiments, and Writs, proper unto whatſoever Clerkſhip within this Realm: together with the prices of the Signet, Privie and Great Seals. Whereby the ſubjects of the Countrey may know, and underſtand, what prices they ought to give for everie Letter, Writ, Extract, and ſeal hereafter, and be no wayes ſubject to the undiſcretion of the Writers, and Keepers of the ſeals. Which prices now ſet down, by the ſaid Lords, for the eaſe, benefit, and relief of the ſubjects of the Countrey, The ſaid Lords ordains, and commands, all, and ſundrie Writers, and Clerks, and the Keepers of the ſeal: everie one in their own ſeverall Charge and Office, To obſerve and keep, and in no wayes to exceed the ſaid prices, upon whatſoever colour or pretence: under the pain of Deprivation of the contraveener from the Office, and ſeal, which he poſſeſſeth. And ordains, and commands, the ſaid Clerks, and Writers, To writ all their Letters, Acts, Writs, Regiſters, and ſuch other things as paſs thorow their Office and hands, compactlie, and in no wayes to abuſe the People with diſperſe writing: under the pain to be cenſured and puniſhed, as abuſers of His Majeſties *ſubjects, and as contraveeners of the ſaid Lords Ordinance, now ſet down anent the ſaid prices. Commanding, and charging alſo all, and ſundrie Clerks and Writers, bearing publick Function and Charge within this Kingdom, That they, and every one of them, within the ſpace of a moneth after the date hereof, have the juſt and authentick of this Act, and of the pryces following thereupon, affixed in ſome publick and patent place of their Buith and chamber where they write: wherethorow all His* Majeſties *ſubjects having adoe with them, may have inſpection of the ſame; and accordingly, know what to pay. And that the ſaid Writers, and Clerks, ſhall write upon the backs of all Writs to be given out by them, the juſt and ordinarie price which they receive from the party for their pains: and ſubſcribe the ſame with their hands, under the ſaid pain of deprivation of the contraveener.*

The Pryces ſet down to the Clerks of our Soveraign Lords Signet, to be taken hereafter for all Signaturs, to be formed, and written by them.

A Signatur of Eſcheat to pay ——— Ten ſhillings.
A Signatur of Eſcheat and Life-rent, ——— 1. Pound.
A ſignatur of Ward, *Non entres*, Relief, and Marriage, ——— 1. pound.
A ſignatur of Marriage only, *Non entres* only, or Relief only, —10. ſhillings
A ſignatur of whatſoever Infeftment, Reſignation, or Confirmation, or Erection, for the firſt ſheet thereof, ——— 1. pound 10. ſhillings.
And for every ſheet moe, beſide the firſt ſheet, ——— 1. pound.
The Precepts upon the ſignaturs to pay accordingly as the ſignatur payeth.
A Remiſſion, or Reſpit, ——— 10. ſhill.
The Precept upon the Remiſſion, ——— 10. ſhill.
A preſentation to a Parſonage and Vicarage, ——— 13. ſhil. 4. pennies.
A Signatur of a Biſhoprick, or Abbacie, containing a ſheet of paper, 1. po. 10. ſhil.
And for every ſheet moe than one, which the ſignatur contains, — 1. pound.
The Precept thereof to pay accordinly. Other common ſignatures of Penſions, Prebendaries, Chaplainries, or Giftes of Offices, ——— 13. ſhillings. 4 pennies.

Pryces ſet down to the Keepers of the Theſaurers Regiſter, to be taken hereafter of all ſuch Gifts and Signaturs as paſs the ſaid Regiſter.

THE Eſcheat of any common man, ——— 6. ſhillings. 8. pennies
And for every perſon moe that ſhal be contained in the ſignatur, 3. ſhill. 4. p.
Providing that the payment [*per capita*] exceed not ten perſons.
Their Eſcheat and Life-rent to pay the double of the ſame ſums.
The Eſcheat of a Barron, ——— 13. ſhillings, 4. pennies.
And for every perſon of that rank, contained in the ſignatur, ——— 6. ſh. 8. p.
Providing that the payment [*per capita*] exceed not ten perſons: and their Eſcheat and Life-rent, to pay the double of the ſame ſums.
The Eſcheat of a Lord of Parliament, ——— 2. pounds.
And for every perſon moe of that ranke, contained in the ſignatur, 1. pound.
Providing that the payment [*per capita*] exceed not ten perſons: Their Eſcheat and Life-rent to pay the double of theſe ſums.
A Legittimation, ——— 13. ſhillings. 4. pennies.
A Remiſſion, or reſpite to a common man, ——— 6. ſhillings 8. pennies.
And for every perſon moe of that rank, contained in the ſaid ſignatur, 3. ſhill. 4. p.
The remiſſion, or reſpite, of a Barron, ——— 13. ſhillings, 4. pennies.
And for every perſon moe of that rank, contained in the ſignature, —6. ſhill. 8. p.
The remiſſion, or reſpite of a Lord of Parliament, ——— 2. pounds.
And for every perſon moe of that rank, contained in the ſame ſignatur, 1. pound.
A ſignatur of Infeftment of a Five pound land, or under, ——— 1. pound.
A ſignatur of Infeftment of a Ten pound land, or under, — 1. pound, 10. ſhill.
A ſignatur of Infeftment of all other lands, under a Barrony, or Thirty pound land, ——— 2. pounds.
The Infeftment of a Barronie, ——— 2. pounds, 10. ſhillings.
The Infeftment of an Earledom, or Lordſhip, ——— 4. pounds:
The Ward, Non entres, Relief, and Marriage of a Yeoman, ——— 13. ſh. 4. p.
Of a Barron, ——— 1. pound, 6. ſhillings, 8. pennies.
Of a Lord of Parliament, ——— 4. pounds.

Pryces ſet down to the Keepers of the Collectors Regiſter, to be taken hereafter of all ſuch Letters as paſs that Regiſter.

AN Infeftment of a Five pound land, or under, ——— 1. pound.
An Infeftment of a Ten pound land, or under, ——— 1. pound, 10. ſhil.

An

An Infeftment of all other lands, under a Thirtie pound land, or Baronie, 2. poun.
The Infeftment of a Bartonie, —— 2. pounds, 10. ſhillings.
The Infeftment of a Lordſhip of Parliament, —— 4. pounds.

Pryces ſet down to the Keepers of the Regiſter of Benefices, to be taken hereafter of all ſuch Letters as paſs that Regiſter.

PReſentations to a Vicarage, with the Act of Caution, —— 1. pound.
Preſentation unto a perſonage, with the Act of Caution, —— 2. pounds.
An Abbacie, —— 4. pounds.
A Biſhoprick, —— 6. pounds.

Pryces ſet down to the Writers to the Privy Seal, to be taken hereafter of all ſuch Letters and Writs as paſs that Office.

THE Eſcheat of a common man, 13. ſhillings, 4. pennies. And for every perſon moe of that ranke, contained in the ſignatur, 6. ſhill. 8. pen. Providing that their payment (*per capita*) exceed not ten perſons: Their Eſcheat, and Life-rent, to pay the double of theſe ſums.
The Extract of the ſaid Eſcheat and Life-rent, —— 13. ſhillings 4. pennies.
The Eſcheat of a Barron, —— 1. pound, 6. ſhillings, 8. pennies.
And for every perſon moe of that ranke, contained in the ſignatur, 13. ſhil. 4. p.
Providing always that the payment (*per capita*) exceed not ten perſons.
Their Eſcheat, and Life-rent to pay the double of this ſum.
The Extract of this Eſcheat and Life-rent, —— 1. pound.
The Eſcheat of a Lord of Parliament, —— 4. pounds.
And for every perſon moe of that rank, contained in the ſignatur, 2. pounds.
Providing that the payment (*per capita*) exceed not ten perſons.
Their Eſcheat, and Life-rent to pay the double of the ſaid ſum.
The Extract of this Eſcheat, and life-rent to pay, —— 2. pounds.
Signatur of a Vicarage, —— 1. pound.
Signatur of a Perſonage, —— 2. pounds.
Signatur of a Biſhoprick, —— 10. pounds
Signatur of an Abbacie, —— 6. pounds.
A Legittimation, —— 1. pound.
A remiſſion, or reſpite, to a common-man, —— 10. ſhillings.
And for every perſon moe of that rank, contained in the Signatur, —— 5. ſhill.
A remiſſion, or reſpite, to a Barron, —— 1. pound.
And for every perſon moe of that rank, contained in the Signatur, 10. ſhill.
A remiſſion, or reſpite, to a Lord of Parliament, —— 3. pounds.
And for every perſon moe of that rank, contained in the Signatur, 1. p. 10. ſhil.
An Infeftment of a five pound land, or under, —— 1. pound, 10. ſhillings.
An Infeftment of ten pound land, or under, —— 2. pounds.
An Infeftment of all other lands, under a thirty pound land, or Baronies, 3. pounds
An Infeftment of a Baronie, —— 4. pounds.
An Infeftment of a Lordſhip of Parliament, —— 6. pounds.
The Ward, Non Entreſs, Marriage, and Relief, of a common man, —— 1. pound
Of a Baron, —— 2. pounds
Of a Lord of Parliament, —— 5. pounds, 6. ſhillings, 8. pennies.

Pryces ſet down to the Director of the Chancellarie, to be taken hereafter of all ſuch Letters and Writs as paſs that Office.

LEgittimations, —— 2. pounds.
Remiſſions to a Yeoman, —— 2. pounds.
And for every perſon moe then one contained therein, —— 1. pound.

Remiſſion

Remiſſion to a Baron, —— 4. pounds.
And for every perſon of that rank, moe then one contained therein, 2. pounds.
Remiſſion to a Lord of Parliament, —— 6. pounds.
And for every perſon of that rank, moe then one contained therein, 3. pounds.
The writing and regiſtring of a Confirmation, or Infeftment, of a five pound land, or under, with the Precept of ſeaſing thereupon: duely and orderly paſt the Quarter ſeal, —— 4. pounds.
The writing and regiſtring of a Confirmation or Infeftment of a ten pound land, or under, with the precept of ſeaſing following thereupon, duely and orderly paſt the Quarter Seal, —— 5. pounds.
The writing and regiſtring of a Confirmation, or Infeftment, of all other lands, under a Baronie, or thirty pound land, with the precept of Seaſing following thereupon, duely and orderly paſt the Quarter Seal, -- 6. pounds.
The writing and regiſtring of an Infeftment of a Baronie, with the precept of Seaſing, paſt the Quarter Seal, —— 10. pounds.
And for every Baronie, moe then one contained therein, —— 5. pounds.
Providing that the whole payment exceed not —— 20. pounds.
The writing and regiſtring of an Infeftment of a Lordſhip, or Earldom, with the precept of Seaſing paſt the Quarter Seal, —— 20. pounds.
And for every Baronie, moe then one contained therein, —— 5. pounds.
Providing that the whole payment exceed not —— 50. pounds.
Commiſſions orderly paſt the Quarter ſeal, for ſerving of Brieves in favour of a Yeoman, —— 2. pounds.
Commiſſions ſealed in favours of a Baron, —— 3. pounds.
Commiſſions ſealed in favours of a Lord of Parliament, —— 6. pounds.
Tutorie datives, duely and orderly ſealed, —— 2. pounds.
For the whole perſons contained in the Tutorie.
Preſentations upon forfaultur, or baſtardrie of ſmall annual-rents, or lands within Burghs and of ſmal pieces of lands, for the writing and Quarter ſeal, 2. pounds.
And of other lands of greater avail, —— 5. pounds.
A Brieve, —— 5. pounds.
An Attornie, —— 2. ſhillings.
The regiſtring of a Retour to a common man, —— 13. ſhillings, 4. pennies.
To a Barron, —— 1. pound, 6. ſhillings, 8. pennies.
To a Lord of Parliament, —— 2. pounds.
Precepts upon the Retour for lands, under a ten pound land, - -- 2. pounds.
And if the lands be above a ten pound, to pay accordingly: providing that the higheſt price exceed not —— 4. pounds.
The ſecond and third Precepts, —— 1. pound.
The fourth Precept conform to the firſt Precept.
Summonds of Errour, paſt in the Quarter Seal, —— 4. pounds.
And in caſe it contain many remiſſions, not to exceed —— 6. pounds.

Pryces ſet down to the Writers to the Signet, to be taken hereafter, of all Letters, Summonds, and Writs, which paſs their hands. (Excepting always Signatures, the pryces whereof are already ſet down.)

ADvocations and Suſpenſions, —— 13. ſhillings, 4. pennies.
For the firſt ſheet: and for every ſheet moe which it containeth, beſides the firſt ſheet, —— 10. ſhillings.
All common Letters, —— 10. ſhillings.
Contracts for the firſt ſheet, —— 1. pound, 10. ſhillings.
And for every ſheet moe, which it containeth, —— 1. pound.
Summonds of a ſheet of Paper, —— 13. ſhillings, 4. pennies.
And for every ſheet moe which it containeth, —— 10. ſhillings.

Pryces ſet down to the ordinarie Clerks of the Seſſion, to be taken hereafter of all ſuch Letters, Acts, and Writs, as paſs that Office.

THE regiſtring of an Obligation, ——— 13. ſhillings, 4. pennies.
The Extract thereof, ——— 13. ſhillings 4. pennies.
Act, and Letters, ——— 1. pound.
An Act of *Litis Conteſtation*, in ſummar and common cauſes, for every ſheet of the Act, and of the Decreet, ——— 1. pound.
And in matters of contentious diſputation, heard in preſence of the ſaid Lords, The pryce of the Act of *Litis Conteſtation*, to be at the diſcretion of the partie.
Common and ordinary Extracts, for every ſheet extracted, 13. ſhillings 4. pen.
The regiſtration to pay as much.

Pryces ſet down to the Clerk of the Bills, before the Seſſion, to be taken hereafter, of all Bills and Acts proper to that Office.

BILLS, ——— 4. pennies
Acts of Caution, with the relief, ——— 1. pound.
Commiſſions, ——— 13. ſhillings, 4. pennies.
Diſpenſations in favours of a party, ——— 4. pennies.
And for a Sheriffdom, Stewardrie, or Burgh, ——— 6. ſhillings. 8. pennies.
Acts of Law-burrows, for every perſon contained in the *Act*, 6. ſhill. 8. pen.
Advocations, ——— 1. pound.
Relaxations (*per ſe*) ——— 6. ſhillings, 8. pennies.
And for every perſon contained therein accordingly.

Pryces ſet down to the Clerk of the Privie Councill, to be taken hereafter of all ſuch Letters and Writs as paſs that Office.

LEtters of Complaint, containing a ſheet of paper, ——— 1. pound.
And for every ſheet attour the firſt ſheet, ——— 10. ſhillings.
Letters of Law-burrows, ——— 13. ſhillings, 4. pennies.
An act of Caution, with the relief, ——— 1 pound.
An act of Law-burrows, for every perſon contained in the act, 6. ſhil. 8. pen.
Decreets of a ſheet of paper, ——— 1. pound, 6. ſhillings, 8. pennies.

Pryces ſet down to the Clerks of the Exchequer, to be taken hereafter of all writs which paſs that Office.

ITem, for writing, rolling, and extracting of a Sheriffs count. 3. p. 6. ſhil. 8. p.
Item, For writing, rolling, and extracting of a Chamberlans count ——— 3. pounds, 6. ſhillings, 8. pennies.
Item, For writing, rolling and extracting of a Burrow count, --- 1. pound.
Item, For writing an Extract of a Rentall, ——— 6. ſhillings, 8. pennies.
Item, For writing of a count unto any perſon, forth of the comptroller, or Theſaurers counts, ——— 6. ſhillings, 8. pennies.
Item, For allowance of a gift in the Exchequer, ——— 6. ſhillings, 8. pennies.
Item, For writing, rolling, and extracting of a Cuſtom-count, ——— 1. pound.

Pryces ſet down to the Keeper of our Soveraign Lords Signet, to be taken hereafter, for all Letters, and writs, which paſs the Signet.

FOR Summonds, of whatſoever quality, ——— 10. ſhillings.
For letters of Inhibition, and arreſtment ——— 16. ſhillings, 8. pennies:
For letters of Law-burrows, and criminal letters, how many perſons, ſoever be inſert, ——— 10. ſhillings:

For

For Miniſters letters, —— 10. ſhillings.
For all letters of Horning, of whatſoever quality: Except letters of Law-Burrows, and criminall letters, —— 1. pound, 11. ſhillings, 8. pennies.
A Relaxation, —— 10. ſhillings.
And accordingly for every perſon relaxed; or compoſition at the diſcretion of the Keeper of the Signet.
For a Legittimation, —— 1. pound.
For an Infeftment, or Confirmation, of a five pound land, or under, 1. p. 10. ſh.
For an Infeftment, or Confirmation, of a ten pound land, or under, 2. pounds.
For an Infeftment, or Confirmation of other lands, under a thirty pound land, or Baronie, —— 2. pounds, 10. ſhillings.
For an Infeftment of a Baronie, —— 3. pounds.
And of ſo many moe different Baronies as are contained in the Signatur, 3. poun.
For an Infeftment of an Earldom, and Lordſhip of dignity, —— 6. pounds.
And for every Baronie beſide, contained in the Signatur, —— 3. pounds.
For Compriſings, —— 2. pounds.
For an Abbacie, —— 6. pounds.
For a Biſhoprick, —— 10. pounds.
For an Archbiſhoprick, —— 12. pounds.
And if an Abbacie be included, to pay, —— 6. pounds.
For a Remiſſion to a common man, —— 1. pound.
And accordingly for every perſon contained in the ſame remiſſion, and for every crime.
For a Remiſſion unto a Baron, —— 2. pounds.
And accordingly, for every perſon of that rank, and for every cryme contained in the Signatur.
For a Remiſſion to a Lord of Parliament, —— 3. pounds.
And accordingly, for every perſon of that rank, and for every cryme contained in the Signatur.
A patronage being inſert in a Baronie, to pay the half price that the Baronie payeth at the Signet.
A Taxt ward being inſert, to pay likewiſe the half price that the Lands or Baronie payeth at the Signet.
A Regality to pay the whole pryce that a Baronie payeth at the Signet.

Pryces ſet down to the Keepers of the Privy Seal, to be taken hereafter, for all letters and writs that paſs the Seal.

FOR the Eſcheat of a common man, —— 1. pound, 6. ſhil. 8. pen.
And for every perſon moe contained in the Signatur, 13. ſhillings, 4. pen.
The life-rent and eſcheat to pay the double of this ſum.
For the Echeat of a Baron, —— 2. pounds, 13 ſhillings, 4. pennies.
And for every perſon moe of that rank, contained in the Signatur, 1. p. 6. ſh. 8. p.
Their Eſcheat and life-rent to pay the double of this ſum.
The Eſcheat of a Lord of Parliament, —— 8. pounds.
And for every perſon moe of that rank: contained in the Signatur, 4. pounds.
Their Eſcheat and life-rent to pay the double of this ſum.
For a Vicarage, —— 2. pounds.
For a perſonage, —— 4. pounds.
For an Abbacie, —— 12. pounds.
For a Biſhoprick, —— 20. pounds.
For an Archbiſhoprick, —— 24. pounds.
And if an Abbacie be included, to pay —— 12. pounds.
For a Legittimation, —— 2. pounds.
For a Remiſſion, or Reſpite to a common man, —— 2. pounds.
And accordingly, for every perſon, and every crime, contained in the Signatur.
For a remiſſion, or reſpite to a Baron, —— 3. pounds.
And accordingly, for every perſon moe of that rank, and for every crime contained in the ſignatur.

For

For a reſpite, or remiſſion to a Lord of Parliament, —— 6. pounds,
And accordingly for every perſon of that rank, and for every crime contained in the ſignatur.
For an Infeftment, or confirmation, of a five pound Land, or under, 3. pounds.
For the Infeftment, or confirmation of a ten pound land, or under, 4. pounds.
For the Infeftment, or confirmation of all other lands, under a thirty pound land, or Baronie, —— 5. pounds.
For an Infeftment, or confirmation of a Baronie, —— 6. pounds.
And for every Baronie moe contained in the ſaid Infeftment, - - - 3. pounds.
For an Infeftment or confirmation, of an Earldom, or Lordſhip of dignity, 12. p.
And for every Baronie beſide, contained in the Infeftment, —— 6. pounds.
For a Compryſing, —— 4. pounds.
For a Patronage, inſert in a Baronie, the half price of the Privy Seal.
For a Taxt ward, the half price that the Land or Baronie payeth at the Privy Seal.
For a Regality, the whole price that the Baron payeth at the Privy Seal.
For the ward, Non Entreſs, Relief and Marriage of men under Barons, 2. pounds.
For the ward, Non Entreſs, Relief, and Marriage of a Baron, -- 4. pounds.
For the ward, Non Entreſs, Relief, and Marriage of a Lord of Parliament, 10. p.
For the ward only of a mean man, —— 1. pound. 10. ſhillings.
For the ward only of a Baron, —— 3. pounds.
For the ward only of a Lord of Parliament, —— 5. pounds.
For the Non Entreſs only of men under Barons, —— 1. pound.
For the Non Entreſs only of Barons, —— 2. pounds.
For the Non Entreſs only of Earls and Lords, —— 3. pounds.
For the Marriage only of men under Barons, —— 1. pound, 10. ſhillings.
For the Marriage only of Barons, —— 3. pounds.
For the Marriage only of Lords of Parliament, —— 5. pounds.
For Common Gifts of Prebendaries, Chaplanries, Penſions, or Offices, 1. p. 10. ſh.

Pryces ſet down to the Great Seal, to be taken hereafter, for all ſuch Infeftments and Writs as paſs that Seal.

THat the Keeper of the Great Seal exceed not the Quadruple of the Privy Seal: but conform himſelf thereunto in all points.

Anent Chamber Fees.

THE Lords of Secret Council and Seſſion, finds, That in times by-gone, when the dutie of the Chamber Fees firſt came in cuſtom, That no Infeftment, or Signatur payed Chamber Fee: except only Reſignations made in the King's Hands. And therefore the ſaid Lords declare, ſtatute and ordain, That in all time coming, no Infeftment, nor Signatur ſhall pay Chamber Fee: Except only Reſignations of lands holden of His *Majeſty*. And that the duty of the Chamber Fee to be taken for the ſaid Reſignations, ſhall be equal, and proportionall unto the duetie and price due to the Privy Seal for the lands which ſhall be reſigned. Commanding hereby, His *Majeſties* Uſhears, and their Deputies, appointed for collecting of their ſaid Fee: That they in no wayes violate this preſent Act: but conform themſelves thereunto in all points, as they will anſwer upon their obedience. And that the Keeper of the Signet, and Privy Seal, in no wayes ſtay nor binder any Letter, or Writ, at their Seals, for alledged not payment of the Chamber Fee, under the pain of deprivation.

Pryces ſet down to the Procurators Fiſcal, to be taken hereafter for forming of Teſtaments.

FOR ſmall Teſtaments, wherein there is little Gear, and a mean Quote, —— 13. ſhillings, 4. pennies.
For Teſtaments wherein there is much Gear, and great Quote, 1. pound.
For the Teſtament of Earls, Lords, and great Barons, for every ſheet, 1. p. 10. ſh.

Prices ſet down to the Commiſſarie Clerks, to be taken hereafter of all ſuch Letters and Writs as paſs their Office.

A Summonds (*ad inſtantiam*) with the Signet, —— 8. pennies.
A libelled ſummonds, not exceeding half a ſheet of paper, compactly written, —— 2. ſhillings.
The libelled ſummonds, exceeding half a ſheet of paper, —— 3. ſhillings.
The putting of an Act into the book, —— 4. pennies.
And further, as the writing ſhall be of quantity, at the diſcretion of the Judge.
And the Extract of the ſame as much: and further, at the diſcretion of the ſaid Judge.
The ſummonds, to ſummond Witneſſes: whether the partie, or his procurator be warned, [*apud acta*] or not, —— 8. pennies.
For pronouncing of ſentences in cauſes of greater avail, 6. ſhillings, 8. pen.
The precept Executorial upon the ſentence, —— 2. ſhillings.
The Inhibition, —— 2. ſhillings.
Precepts of arreſtment, —— 2. ſhillings.
For ſummonds to hear Executors (*Datives*) given, —— 2. ſhillings.
For regiſtring of Contracts, Obligations, or ſuch like Evidents, not exceeding half a ſheet of paper —— 3. ſhillings, 4. pennies.
For regiſtring of the ſame, exceeding half a ſheet of paper, 6. ſhillings, 8. pen.
The Extract thereof ſubſcribed by the principal Clerk, half as much.
The Tranſumpt of Evidents, or writings, under the Seal of Office, 13. ſh, 4. p.
The Extracting of proceſs, written compactly: each leaf on both the ſids, 2. ſh:
The regiſtring of a Teſtament, containing a ſheet of paper, 1. pound, 6. ſh. 8. p.
And if it exceed a ſheet, —— 1. pound, 13. ſhillings, 8. pennies.

Prices ſet down to the Sheriff Clerks, Steward and Baily Clerks, and Clerks of Regality: and to Clerks in Services, by Commiſſion, to be received by them, for all ſuch Letters, Acts, and Writs, as paſs their Offices.

FOR a libelled precept, being formed by the Clerk, ſealed, and ſubſcribed —— 13. ſhillings, 4. pennies,
And if it be not formed by the Clerk, for the ſubſcribing and ſealing, 6. ſh. 8. p
For a precept of arreſtment, with the ſeal thereof, —— 6. ſhillings, 8. pennies.
For an Act of lowſing of arreſtment, —— 6. ſhillings, 8. pennies.
For the act of Law-burrows, taken at the Bar, —— 6. ſhillings, 8. pennies.
For an act of Curatorie, with the Edict, Proceſs, and Extract thereof, 1. p. 6. ſh. 8. p
For an act of Revocation, or Renounciation, given in write to be regiſtrated, —— 6. ſhillings, 8. pennies.
And the Lords of Secret Councel expreſly prohibite, and diſcharge, That no act of revocation or renounciation, be received by Judicial compearance, without a warrand in write, bearing regiſtration.
For Extract of the revocation, or renounciation, —— 6. ſhillings, 8. pennies.
For act and precept of Continuation, in all cauſes, — 6. ſhillings, 8. pennies.
For an act of *Litis Conteſtation*, with the precept of Diligence, containing a ſheet of paper, or within, —— 10. ſhillings.
And in caſe it be more then a ſheet, that the payment exceed not — 1. pound.
For booking and extracting of every Decreet, within a ſheet, — 10. ſhillings.
And for every ſheet more that exceeds the firſt ſheet, written compactly, 6 ſh. 8. p.
Providing always that the decreet exceed not —— 2. pounds.
how long ſoever the decreet be.
For a precept to poynd, eject and remove, —— 10. ſhillings.
For deducing of a Proceſs, to ſerve a general Heir: and for extracting and ſealing the retour thereof, —— 1. pound, 10. ſhillings.

For

[illegible] service to land, [illegible] and
[illegible] upon, comprehending herein the opening [illegible] ning of
the Brieves, forming of the claims, and all things to be done [illegible] proceſs,
if the land extend to a fourty pound land, or within, —— 4. pounds.
And if it exceed a fourty pound land, to pay —— 8. pounds.
For an Inſtrument of ſeaſing upon the retour, —— 4. pounds.
And if it be a Baronie, and Lordſhip of land, diſpenſing with the ſeaſing, to be
taken at a place, and if the lands ly *diſcontigue*, and far from the Sheriffs
reſidence: that they exceed not —— 10. pounds.
For regiſtring of Letters of Horning, upon a ſimple charge, or four forms, as
well in the Books of the Clerks foreſaid, as in the Clerk of Regiſters
Books, for every ſheet thereof, —— 6. ſhillings, 8. pennies.
And not to exceed —— 1. pound.
how long ſoever the horning be.
For Inhibitions, and Relaxations, how long ſoever they be; —— 1. pound.
For every ſheet of all extracted proceſſes, which the Writer ſhall be holden to
write compactly, under pain to be puniſhed, in caſe he fail, 10. ſhillings.

Pryces ſet down to the Clerks of the Admiralty, to be taken hereafter, for all Letters, Acts, and Writs, as paſs that Office.

FOR a libelled precept, being formed and written by the Clerk, and ſealed,
and ſubſcribed, —— 13. ſhillings, 4. pennies.
And if it be not formed by the Clerk, for the ſubſcribing and ſealing there-
of, —— 6. ſhillings, 8. pennies.
For the precept of arreſtment, with the ſeal thereof, -- 6. ſhillings, 8. pennies.
For the act of lowſing of arreſtment, —— 6. ſhillings, 8. pennies.
For an act and proceſs of continuation, in all cauſes, 6. ſhillings, 8. pennies.
For an act of *Litis Conteſtation*, with the precept of Diligence, containing a ſheet
of paper, or within, —— 10. ſhillings.
And in caſe it be more then a ſheet, that the payment exceed not -- 1. pound.
For Booking and extracting of every Decreet, within a ſheet of paper, 10. ſhill.
And for every half ſheet more that exceedeth the firſt ſheet, which the Lords
ordain to be compactly written, —— 6. ſhillings, 8. pennies.
It is always ordained, and commanded, by the ſaid Lords, That the payment
exceed not —— 2. pounds:
how long ſoever the decreet be.
For a precept to poynd, —— 10. ſhillings.
For every ſheet of all extracted Proceſs, which the Writer ſhall be holden to
write compactly, under the pain to be puniſhed, in caſe he fail, 10. ſhill.

Pryces ſet down to the Keepers of the Secretaries Regiſter, to be taken hereafter, for all ſuch Letters as paſs that Office.

THE Lords of Secret Councel and Seſſion, command, and ordain the Clerks,
Keepers of the ſaid Regiſters of the Secretarie, That they and every one
of them conform themſelves in their pryces, to the Acts of Parliament,
made anent the pryces of ſuch Letters and Writes, as paſs through their Regi-
ſters: And that they in no ways preſume to exceed the ſaid pryces, under the
pain of deprivation.

Pryces ſet down unto the Clerks within Burgh, to be taken hereafter, for all ſuch Letters, Acts, and Writs, as paſs the Office of common Clerkſhip within Burgh.

THE claim of debt, in matters of ſmall importance, -- -- 12. pennies.
The act of Court, the firſt day, and all Acts, before *Litis Conteſtation*, 8. p.
The Act of Interloquntor, or *Litis Conteſtation*, —— 12. pennies.
The Acts of probation, (*uſque ad ſententiam*) —— 13. pennies.

The Extract thereof, for [illegible] the action, and warning [illegible] Witnesses, ——— 12. pennies.
The sentence pronouncing in small causes, ——— 2. shillings.
And in great causes not to exceed ——— 6. shillings, 8. pennies.
The Extract thereof, ——— 6. shillings, 8. pennies.
In great causes, exceeding fourty pounds, the claim being made by libelled precept, for every precept forming, and subscribing, 6. shill, 8. pennies.
The Acts thereof, ——— 12. pennies.
The Acts of Interloquutor booking, ——— 12. pennies.
The Extract thereof, ——— 3. shillings, 8. pennies.
The sentence pronouncing and booking, ——— 6. shillings, 8. pennies.
The extract of each sheet thereof, compactly written, 6. shillings, 8. pennies.
All the acts in the process: every act ——— 12. pennies.
The precept of poinding, ——— 2. shillings.
The Booking of Goods comprised by Officers, ——— 6. shillings, 8. pennies.
The process of comprysing of lands, or annual-rents, each sheet compactly written, ——— 8. shillings, 8. pennies.
Every act thereof, ——— 12. pennies.
Every claim of Injurie, which passeth not unto an Assyse, but Witnesses examinat thereupon, ——— 12. pennies.
Every Ditty of stroaks, and blood, ——— 12. pennies.
The Despositions of Witness: every person ——— 12. pennies.
Commission for examination of witness, direct to other Judges, 6. shill. 8. pen.
For proclaiming of the Brieve. ——— 6. shillings, 8. pennies.
For indorsing of the Brieve, ——— 3 shillings, 4. pennies.
For making of the claim in a general service, ——— 3. shillings, 4. pennies.
For making of the claim in a special service, ——— 6. shillings, 8. pennies.
For the acts of objecting, and replies, ——— 12. pennies.
For Booking and Extracting of a general service, and directing of the retour, 1. p.
For Booking and Extracting of a special service, and directing of the retour, for a tenement, ——— 1. pound, 10. shillings.
For two tenements, ——— 2, pounds.
And if there be moe tenements, the whole payment not to exceed, 3. pounds.
For an Instrument of seasing upon a general service, ——— 3. pounds.
For an Instrument of seasing upon a special service, ——— 4. pounds.
A Charter of alienation, ——— 2. pounds.
And for every Land moe than one contained in the Charter, 6. shil. 8. pennies.
Providing that the whole payment exceed not ——— 3. pounds.
A Procuratory of Resignation, ——— 3. pounds.
And for each land, moe than one contained in the Procuratory, 6. shill. 8. pen.
And the whole payment not to exceed ——— 2. pounds, 6. shillings, 8. pennies.
An Instrument of Resignation, ——— 1. pound, 10. shillings.
A Contract of Alienation, containing a sheet of paper, ——— 1. pound.
And for every sheet moe than one, ——— 10. shillings.
The Registring of every sheet thereof, ——— 10. shillings.
The Extract and subscribing of every sheet, ——— 10. shillings.
For a Reversion, written upon parchment, ——— 2. pounds.
And in case of moe lands not to exceed, 2. Pounds, 13. shillings, 4. pennies.
The booking and extracting of every sheet of whatsoever contract, 10. shillings.
Charter parties, of each party of two, ——— 6. shillings, 8. pennies.
Indentures of each party of two, ——— 6 shillings, 8. pennies.
Booking of Prentises, ——— 2. shillings.
The Extract thereof, ——— 2. shillings.
Act of Creating of a Burgess, and Extract thereof, ——— 12. shillings.
The Guild Tickets, ——— 12. shillings.
The Entry of Ships and Boats, and extract thereof, ——— 3. shillings, 4. pennies.

THE

THE Lords Of Secret Councell, and Seſſion, [illegible] and commands, That no Proceſs be granted before inferiour Judges in the firſt ſummonds: but upon libelled Precepts, and Citation of fifteen dayes warning, conform to the Act of Parliament.

And Ordains theſe preſents to be publiſhed, and imprinted.

Attour, Our Soveraign Lord, with conſent foreſaid, hath (*ſimpliciter*) diſcharged the whole Subjects and Lieges of this Realm, of all ſuch by-gone penalties, unlaws, and puniſhments, which they, or any of them have incurred though breaking and violating of the ſaid Act of Councel in any time by-gone, preceeding the date hereof: and decerns the ſame, to be of ſtrength, force, and effect, againſt the tranſgreſſours thereof, in all time coming only.

And further, Our Soveraign Lord, with conſent foreſaid, Giveth, and granteth, full power and commiſſion, unto the Lords of His Highneſs Privie Councell, To take order for ſetting down and appoynting of ſuch particular pryces, as are omitted to be ſet down by the ſaid Act of Councell. And whatſoever the ſaid Lords of Privie Councell, ſhall determin and ordain in the premiſſes, Decerns the ſame to have the ſtrength and force of an Act of Parliament, in all time thereafter.

ACT. XX.

Act, ordaining Annuell-rent to be due after Horning.

OUR Soveraign Lord, and Eſtates of Parliament, conſidering the great prejudice which diverſe of His *Majeſties* Lieges ſuſtain by the want of their money, lent and given forth upon Band, or Contract, or other wayes juſtly owing unto them, by their Debtors: who having uſed all Execution competent to them by Law, againſt their debtors, by charging, and putting of them to Horn: are forced, after many years, to receive their principall ſum, and penaltie, without any ſatisfaction of their annuall-rent, and intereſſe of their money in the mean time. Which, as it is a prejudice unto the true Creditors: ſo it is an occaſion to the debtors to contemn His *Majeſties* charges and Letters of Horning: who reſolve in end to pay no more for relief of the Horning, after many yeats delay, than they were obliged unto at the beginning.

For remeed whereof, His *Majeſty*, with advice and conſent of the Eſtates of Parliament, ſtatuteth and ordaineth, That whenſoever any perſon is denounced Rebell, and put to the Horn, for not payment of ſums of money, owing by him, by band, contract, or otherwyis: That after the ſaid denunciation, the ſaid perſon ſo denounced, ſhall be ſubject in payment of Annuall-rent for the ſaid ſums for the which he is put to the Horn, and that of all years and tearms from the date of the ſaid denounciation, unto the time of the payment of the ſame: and that notwithſtanding there be no paction, nor condition of annuall-rent made betwixt the ſaid parties, which may binde the ſaid partie who is denounced rebell, unto the payment thereof. And ſuch perſons as are now ſtanding rebels, and at the Horn, This Act ſhall not worke againſt them, (*quo. ad preterita.*) But ſhall have ſtrength and force againſt them in time coming. From the Feaſt of Martinmeſs next in this inſtant year of GOD, one thouſand, ſix hundreth twentie and one years: and they ſhall begin to be ſubject in payment of annuall-rent at that time, and yearly and tearmly thereafter, untill the payment of the principal ſum.

ACT

ACT XXI.

Anent Servants, going lowse, and leaving their Maſters ſervice.

OUR Soveraign Lord, and Eſtates of Parliament, underſtanding the great ſtraits and neceſſities, whereunto poor Labourers of the Ground are driven, and conſtrained: Eſpecially by the fraud and malice of Servants, who either refuſe to be hyred, without great and extraordinarie Wages promiſed unto them: Or otherways hyre themſelves only from Martinmeſs to Whitſunday: after the which Tearm of Whitſunday, they caſt themſelves lowſe, of purpoſe and intention, to make their gain and advantage by the extraordinary worke which befall in that ſeaſon, betwixt Whitſunday and Martinmeſs: ſuch as caſting and winning of Peats, Turfs, Fewell, Divots, building of Fold dyks, ſhearing in the harveſt. For doing whereof they know the ſaid Husband-men, who have neceſſarily adoe therewith, will be forced to hyre them at dailie and weekly wages, and ſuch high rate as they pleaſe, to the great harme of the Labourers of the Ground, and all His *Majeſties* ſubects:

For remeed whereof, it is ſtatute, and ordained, That it ſhall not be lawfull for any hyred ſervant, from Martinmeſſe to Whitſunday, To leave his Maſter at the ſaid Tearm of Whitſunday, and to run lowſe in that ſervice: Except he be able to verifie to the Juſtice of Peace, or Conſtable of the bounds, That he is hyred unto another Maſter, from the ſaid Feaſt of Whitſunday to Martinmeſſe thereafter. And if it be found, that he is not hyred to another Maſter: Then, and in that caſe, it is declared, That it ſhall be lawfull unto his preſent maſter to keep, and detain him, from the ſaid Feaſt of Whitſunday, unto Martinmeſſe, for payment to him of ſuch Wages as he payed unto him of before: And if he refuſe to ſerve, that the Juſtice of Peace ſhall have power to compell him thereunto. And if the ſaid ſervant of the qualitie foreſaid, break lowſe from his Maſter, It ſhall be lawfull for his Maſter to take and apprehend him, whereſoever he findeth him, and preſent him unto the Conſtable, or Juſtice of Peace, upon the ground where he ſhall be found; who ſhall have power to compell the Servant to return unto his former Maſter, (if it be found that he be Maſterleſſe, and none otherwayes)

And ſuch like, His *Majeſty*, and Eſtates, finds, and declares, That it ſhall be lawfull unto all His *Majeſties* Lieges, who have neceſſarie adoe with Labour, To take, apprehend, and employ, in their Works, whatſoevet lowſe and Maſterleſſe Men, and Women, whom they ſhall find within their own Bounds. And ſuch like, that the Juſtices of Peace, and Conſtable, ſhall have power, at the inſtance and deſire of whatſoever perſon His *Majeſties* Lieges, to force, and compell all, and whatſoevet lowſe Men and Women, to ſerve for competent hyre and Wages.

ACT XXII.

Anent Counterfeyting, and making of falſe Writtes.

FOR Eſchewing the danger wherein many of His *Majeſties* Lieges ſtand, by counterfeyting and falſifying of Evidents: it is ſtatute, and Ordained, That whoſoever maketh and uſeth a falſe Writ, or is acceſſorie to the making thereof, ſhall be puniſhed with the pains due unto committers of falſe-hood. And it ſhall not be lawfull for any perſon, counterfeyter, falſifier, or acceſſorie, whatſoever, to declare in judgement, that he paſſeth from the Writ quarrelled of falſehood. But if after the tryall, the Writ quarrelled be found falſe, the paſſing from, or declaration of the party, that he will not uſe the ſame, ſhall no wayes free him from the puniſhment which is due unto thoſe who commit falſhood.

ACT

ACT XXIII.

A generall pardon for deeds done againſt penall ſtatutes: (ſome few excepted) And a diſcharge of James Cranſton *his Commiſsion.*

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering the complaint made by the Barrons, Sheriffes, Stewards, Baylies, and other Free holders within this Kingdom, concerning the danger which all our Soveraign Lords Lieges do daylie under-ly, for having tranſgreſſed penall Statutes, which have a Pecuniall, or arbitrarie pain adjected thereunto: And the great hurt and prejudice ſuſtained, by granting Commiſſions unto private perſons, for execution of the ſame ſtatutes, which have been uſed amongſt the common people, at ſundry times, with intollerable rigour, and exaction, of before: Have dicharged, freely pardoned, and remitted: Diſcharges, freely pardons and remits, all contraveeners of any of the ſaid penall ſtatutes, for all deeds done by them contrary to the tenor of the ſame ſtatutes, in times by-gone. Except onely the ſtatutes concerning wearing and bearing of Hagbuts and Piſtolets: Taking of unlawfull uſurie: Tranſporting of Money and Gold: And ſlaying of red and black Fiſh: Which are no wayes diſcharged by this preſent Statute, nor comprehended hereintill.

As alſo, Our ſaid Soveraign Lord, with advice and conſent of the ſaid Eſtates, Statutes, and declares, That hereafter Commiſſion for putting of penall Statutes to execution, ſhall onely be granted to honeſt men, of good qualitie: who ſhall be ſufficiently authorized by the Lords of Secret Counceli, for diſcharging of their Office. And abſolutely diſcharges in time coming, *James Cranſton*, his Deputies, or Officers, to call, or conveen any perſon, or perſons, for ſlaying of red or black Fiſh. And from henceforth declares, The power of his Commiſſion granted unto him to that effect, to be quite extinguiſhed, and aboliſhed.

ACT XXIIII.

Anent Evidents paſt the great Seal, which are not regiſtrated.

OUR Soveraign Lord, and Eſtates of Parliament, underſtanding, That there are ſundry Inſeſtments, and other Writtes, which paſſe his Highneſſe Great Seal, That in time by-gone, after the expeding thereof, and appending of the Seal thereunto: Have, through the over-ſight, and negligence of the Receivers thereof, in the not returning of the ſame to the Director of His Highneſſe Chancellarie, and his Deputies, Been omitted, to be regiſtrated, in their Books, and Regiſters appoynted for that effect. And conſidering, that the not regiſtration of the ſame Inſeſtments and Writs, tendeth to the great hurt and prejudice of the perſons unto whom the ſame are granted, and pertain.

Therefore, our ſaid Soveraign Lord, and Eſtates of Parliament, for remeed hereof, ſtatutes and ordains, That in time coming, when any Inſeſtment, or other Writ, or Evident, which paſſeth his Highneſs Great Seal, ſhall be formed and written by the Director of his Highneſs Chancellarie, or his Deputies. The ſame after the writing thereof, ſhall be delivered by them unto the partie, In-giver of the ſaid Inſeſtments, or other writtes foreſaid: To the effect he may get His Highneſſe Great Seal thereunto appended. At the deliverie whereof, the partie receiver of the ſame, ſhall only be holden and aſtricted to pay at that time to the Director of the Chancellarie, or his Deputes, That one half of the pryces allowed unto him by the Book of Rates for writing of Evidents to the great Seal: And that only in conſideration of the pains taken in forming and writing of the ſaid Writs and Evidents, without paying

ing before [illegible] the other half of the ſaid pryces, which hereby is appoynted to be reſerved unpayed while the ſame be regiſtrat in maner after mentioned: Which Infeftments and Evidents being delivered to the Keeper of the great Seal, and he having appended the ſame Seal thereto, and being ſatisfied of the price due to him therefore: Ordains the Keeper of the Great Seal, to return and redeliver the ſame Infeftment, or other Writ foreſaid, ſo ſealed by him back again, to the Director of His Highneſs Chancellarie, or his Deputies: To the effect the ſame Infeftments, Evidents, or other Writs foreſaid, may be regiſtrated by him in the Regiſters, and Books appointed for that effect. Which being ſo regiſtrated, Ordains the Director of His Highneſs Chancellarie, and his Deputies, to deliver the ſame to the partie: He being ſatisfied of the other half of the pryce foreſaid, retayned by the partie, and unpayed by him, at the time of the Writing of the ſaid Evidents to the Great Seal, as due for the regiſtration thereof, in manner above-written.

And alſo, Our ſaid Soveraign Lord, ſtatutes and ordains, all, and whatſoever perſons, who have any Infeftments, Writs, or Securities, granted unto them, and already paſt the Great Seal, and which are not as yet regiſtrated, to return the ſame back again, unto the Director of His Highneſs Chancellarie, within the ſpace of a year after the publication of this preſent Act. To the effect the ſaid Infeftments, and Writs, may be regiſtrated by the ſaid Director of His Highneſs Chancellarie, and his Deputies: and that (*gratis*) and without any payment to be given unto him therefore.

ACT XXV.

Anent Banquetting, and Apparell.

OUR Soveraign Lord, and Eſtates of Parliament, Conſidering the great hurt coming unto this Countrey, by the ſuperfluous uſage of unneceſſarie ſumptuouſneſſe in Meat, Apparrell, and otherwayes: and that by all ſorts of people, promiſcuouſly, without diſtinction of perſons, of rankes or qualitie. For repreſſing of the ſaid abuſe in time coming: Do ſtatute and Ordain, That None of Our Soveraign Lords Lieges, of whatſoever qualitie or degree, ſhall wear any cloathing of Gold or Silver Cloath, or any Gold or Silver Lace upon their Apparels, or any part of their Bodies hereafter. And that no manner of perſon ſhall have any Apparell of Velvet, Sattin, or other ſtuffs of ſilk, except Noble-men, Lords of Parliament, Prelates, His *Majeſties* Councellers, Lords of Seſſion, Barrons of qualitie, having of free yearly rent fourſcore Chalders Victuall, or ſix thouſand Marks of ſilver: and the Proveſts of the principall Burrows, within this kingdom, or thoſe who have been Proveſts: with ſuch alſo as ſhall happen to be, or have been, Proveſts, Baylies, Dean of Guild, and Theſaurer, within the Town of *Edinburgh*; Excepting alſo Rectors of Univerſities.

And it is ſtatute, and ordained, That theſe perſons which are permitted to wear the ſaid apparelling of Silk, ſhall no wayes have Embroidring, or any Lace or Paſſements upon their cloaths: except only a plain Welting Lace of Silk upon the ſeams, or borders of their cloaths: with Belts, and Hat-bands embroidred with ſilk: and ſuch like, That the ſaid apparell of ſilk be no wayes cut out upon other ſtuffs of ſilk: except upon a ſingle Taffatie. And, that the Wives of the ſaid priviledged perſons, their eldeſt ſons, and eldeſt daughters, unmarried, and the children of all Noble Men, be licentiate to wear their apparell in manner aforeſaid only, under the pain of a thouſand pounds, (*Toties, quoties.*)

Item, That no perſon, of whatſoever degree, ſhall have Pearling, or Ribbening upon their Ruffs, Sarks, Napkins, and Socks: Except the perſons before priviledged. And the Pearling and Ribbening to be ſo worn by them,

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(if any be) to be of thoſe made within the Kingdom of Scotland, under the pain of an hundreth pounds, (*toties, quoties.*)

5. Item, That none wear upon their Heads, or Buskings, any Feathers. And notwithſtanding, it is permitted, That any perſon may wear Chains, or other Gold-ſmiths work, having no ſtones, nor pearls, within the ſame. And that no perſon wear any pearls, nor precious ſtones: Except the perſons before priviledged: under the pain of a thouſand Marks, to be payed by the contraveeners, (*toties quoties.*)

4. And it is ſtatute, That no perſon, nor perſons, (Except the priviledged perſons foreſaid) wear Lanns, or Cambrick: And that no perſon whatſoever wear upon their Bodies, Tiffinies, Cobwebb, Lanns, or Slyres, under the pain of an hundreth pounds, (*toties, quoties.*)

5. Nevertheleſſe, The Kings *Majeſties*, Prince, and their ordinarie Houſehold ſervants, are exeemed from this Act, and all the clauſes thereof.

6. It is moreover ſtatuted, That no ſervants, Men or Women, wear any cloathing, except thoſe that are made of Cloath, Fuſteans, Canves, or ſtuffs, made in the countrey. And that they ſhall have no ſilk upon their cloaths: Except ſilk Buttons, and Button holes: and ſilk Garters, without pearling, or roſes, under the pain of an hundreth Marks, (*toties, quoties.*)

7. It is alwayes declared, That it may be lawfull for them to wear their Maſters, or Miſtreſſes old cloaths.

8. It is hereby ordained, That no cloaths be guilded with Gold.

9. It is alſo declared, That Heraulds, Purſevants, and likewiſe Trumpetters, be exeemed from this Act.

10. Item, it is ſuch like ſtatute, That Minſtrels be exeemed.

11. It is farther ſtatute, That none, except the priviledged perſons foreſaid, uſe Damaske Naprie, brought from beyond ſea, under the pain of an hundreth pounds, (*toties, quoties.*)

12. It is likewiſe ſtatute, that no moe doole weeds be made at the death of any Earl or Counteſſe, but twentie foure at the moſt: Or for a Lord of Parliament, or a Lords wife, but ſixteen onely, and for all other priviledged perſons before named, twelve at the moſt: And that none (except the priviledged perſons) have any honours carryed, and theſe according to their qualities; and that no doole weeds be given to Heraulds, Trumpetters, or Saullies, Except by the Earles and Lords, and their wives. And the number of the Saullies to be according to the number of the doole weeds, under the pain of a thouſand pounds, (*toties, quoties.*)

13. It is ſtatute, That the faſhion of Cloaths now preſently uſed, not to be changed by Men or Women, and the wearers thereof: under the pain of forfaultrie of the cloaths, and of an hundreth pounds, to be payd by the wearers, and as much by the makers of the ſaid cloaths, (*toties, quoties.*)

14. It is ordained, That no Caſtor Hats be uſed nor worn, but by the priviledged perſons: under the pain of an hundreth pounds, (*toties, quoties.*)

15. It is further inacted, That no cloaths ſhall be made after the publica-

tion of the Act, but according to the manner and condition before expreemed. And that none of the former discharged Cloathing be worn by no person after Martinmesse, the year of GOD, one thousand, six hundreth twentie and three years: under the pains [*respective*] above set down, (*toties, quoties.*)

16. Item, It is ordained, That the Husband-men, and Labourers of the Ground, wear no cloathing, but Grayes, White, Blew, and self Black Cloath, made in Scotland: And that their Wives and Children wear the like: under the pain of fourtie pounds, (*toties, quoties.*).

17. It is further statute and ordained, That no person use any maner of Desert of Wet and dry Confections, at Banquetting, Marriages, Baptismes, Feastings, or any Meals: Except the Fruites growing in Scotland: As also Figs, Raisins, Plumb-damies, Almondes, and other unconfected Fruites: under the pain of a thousand Marks, (*toties, quoties.*) Excepting such like the use of the foresaid forbidden confections to be lawfull for the entertainment of His *Majestie*, Prince, and their Trains, being within the countrey, and for Ambassadours, or strangers of great qualitie.

18. And it is statute moreover, That no person, of whatsoever qualitie, use any Feasting at Burials, or offer of other Meats, except bread and drink. As likewise, no person use any eating or drinking at Night-wakings, or Lick-wakes: under the pain of a thousand Marks, (*toties, quoties.*)

ACT XXVI.

Anent Thaicking of Houses in Edinburgh, *with Sklait and Skaillie.*

OUR Soveraign Lord, and Estates of this present Parliament, considering, that sundry persons of mean qualitie, acquire unto themselves the heretable right of sundry ruinous Lands, and Wastes, within the Town of *Edinburgh*. And for want of means to build the same sufficiently, thaickes the same with Straw, and Deals, Whereby the Lands next adjacent upto the same, builded upon the great charges and expences of the heretors, are oftentimes brought in great hazard, and sometime to decay, in time of sudden Fyre. Therefore, and for further decoration of the said Burgh, being the Head-burgh of this Realm, Our Soveraign Lord, with consent of the said Estates, statutes and ordains, That in all time to come, no manner of person, nor persons, shall be suffered, or permitted to build any houses within the said Burgh of *Edinburgh*: But such as shall be covered with Sklait, or Skaillie, Lead, Tyld, or Tack-stone. And also, statutes, and ordains, That the heretors of such houses as are already thaicked with Thack and Straw, (if the same Thack, and Straw Roofs, shall hereafter at any time become ruinous) shall be astricted to thack the same again with Sklait, or Skaillie, Lead, Tyld, or Thack-ston. And Ordains Letters of Horning to be directed hereupon, against the heretors of the said lands, in form as effeirs. And such like, Ordains the Provest and Bailies of the said Burgh, To put this Act to Execution.

ACT XXVII.

Anent Comprising from apparent Heirs, extended as well unto Aliens own Debts, as their Predecessors.

OUR Soveraign Lord, and Estates of this present Parliament, Ratifies, approves, and confirmes, the 106. Act of the seventh Parliament of King *James* the fifth, of worthy memory: Intituled, The Credidor may pursue him,

him, who is charged to enter, and entreth not, in all the Heads, Articles, and Clauses thereof. With the addition and explanation following: That the same shall be extended unto Debts owing by any person himself, as well as to those which are addebted by his predecessors. For the which debt, it shall be as lawfull for a Creditor, to charge any person to entet Heir to his predecessor, and with the like certification, as if the predecessor had been debtor therein-till. Whereupon compriſing may follow in manner ſpecified in the ſaid Act.

ACT XXVIII.

Anent taking of Annuall-rent before hand, to be Uſurie.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, conſidering, that notwithſtanding Uſurie, and taking unlawfull Annuall, more than ten for each hundreth, hath been by ſundry Acts of before diſcharged, and forbidden: Yet it hath been uſuall, by an evill and corrupt cuſtom, to take, or retain, the Annuall-rent, the time of the borrowing the Money: Which in effect is eleven of each hundreth, at leaſt. For avoyding whereof, ſtatutes, and ordains, That no perſon, who lends, or gives out Money, and receives Annuall therefore, ſhall retain the time of the lending, exact, crave, or receive, from their Debtors, the Annuall of their lent ſums, untill the tearm of payment appointed by their Bands, be firſt come. And it ſhall be lawfull, at the time of lending of Money, and making of Bands, to add the annuall unto the principall ſum: providing alwayes, neither principall nor annuall be exacted, or craved, before the tearm of payment appoynted to the ſaid Band. And the contravenerss of this preſent Statute ſhall be puniſhed as unlawfull Uſurers.

ACT XXIX.

Ratification of the Act of Secret Counſell, againſt Backſters, Brewſters, Fleſhers, and Candle-makers of Edinburgh.

OUR Soveraign Lord, With advice and conſent of the Eſtates of this preſent Parliament, By the Tenor hereof, Ratifies, Approves, and confirms, The Act of Secret Counſell, of the date the ſeventeenth day of *Februarie*, one thouſand ſix hundreth and eighteen years: Made, and ſet down, by His *Majeſtie*, with conſent of the Lords of His Highneſs Secret Counſell, againſt the Backſters, Brewſters, Fleſhers, Candle-makers, and others therein contained, In-dwellers within *Edinburgh*: With the publication and proclamation following thereupon, In all and ſundry heads, points, paſſages, circumſtances, and others, ſpecified thereintill: conform to the Tenor thereof, in all points. And wills, and Declares, The ſame to have been, in all time by-gone, ſince the making and publication thereof: And to be, and ſtand, in all time coming, good, valiable, and effectuall in the ſelf: and to have the due benefit, and execution thereof, conform thereunto: Againſt all who have tranſgreſſed, or ſhall happen to tranſgreſſe, and contraveen the Tenor of the ſame. Whereof the Tenor followeth.

Apud Edinburgh, *Decimo ſeptimo Die Menſis Februarii, Anno Domini Milleſimo, Sexcentiſimo, decimo octavo.*

FOR as much, as the Kings *Majeſty*, and Lords of His Privie Councell, conſidering the dangerous and fearfull abuſe, which hath been of continuance theſe many years by-gone, within the Burgh of *Edinburgh*, by the Tolerance, Connivance, and overſight, which hath been given unto Backſters, Brewſters,

and others, to build, and keep ſtacks of Hather, Broom, Whins, and other Fewell, in the heart of the ſaid Burgh, and in the Vennalles and Cloaſſes of the ſame: Where ſundry of His *Majeſties* good ſubjectes, Inhabitants of the ſaid Burgh, have, with great charges and expences, builded many goodly Houſes, and buildings: to the credit of the ſaid Burgh, and for the policie and decoration of the ſame. By the which ſtacks of Hather, Broom, Whins, and other Fewell, builded, and kept within the ſaid Burgh, not only are the neighbours of the next adjacent parts thereunto, holden in continuall feer, and dreadour, and are in very great hazard, and danger, if either by negligence, or wilfull malice, (as GOD forbid) Fire ſhould be ſet in the ſaid ſtacks: as fell out by the fyring of ſome ſtacks in Peibles Wynd, in the 1584. yeat of GOD, But a great number of people who are inclined, and diſpoſed, to beſtow ſome part of their Eſtate upon building within the ſaid Burgh, are with-holden there-from, for feat of the ſaid ſtacks. And beſides this abuſe, which is both fearfull, dangerous, and hath produced many inconveniences, and great skaith, from time to time, to the ſaid Burgh: there is another ſhamefull abuſe therein: which although it be not altogether ſo fearfull and dangerous as the other, yet it is noyſome to the whole civill and honeſt Neighbours, and to all the Nobilitie, and Countrey people, which come hither for their private adoes: And with that, it is deteſtable in the ſight of ſtrangers: corrupteth the air, and carrieth many diſgraceful and ſhameful imputations againſt the ſaid Burgh, as being a puddle of filth and filthines: To wit, the overſight which is given to Candle-makers, to keep their ſhops and houſes where they melt their Tallon, and Cracklinges, within the Heart of the ſaid Burgh: And to Fleſhers, to keep their Slaughter-ſhops within the Town, and to tuime the filth of the ſlaughtered Goods upon the high ſtreets, and in open Vennals, and Cloſſes: whereby it often times falleth out, that in many ſtreets and Vennalles of the ſaid Burgh, the filth of ſlaughtered Goods is in ſuch aboundance expoſed unto the view of the people: and the cloſſes and ſtreets are ſo filled therewith, as there can no paſſage be had thorow the ſame. For removing of the which two abuſes, ſo dangerous and diſgraceſull to the ſaid Burgh, The Kings *Majeſty*, with advice of the Lords of his ſecret Councell, hath reſolved, concluded, commanded, and ordained, That from the firſt day of May next to come, there ſhall be no ſtacks of Hather, Broom, Whins, nor other Fewell, kept, nor ſuffered to be in any of the Vennalles, Wyndes, or Cloſſes of the ſaid Burgh, nor within Houſes, nor upon the ſtreets of the ſame: and that no Fleſhers ſhall be ſuffered, by themſelves, their ſervants, or others in their names, to keep any ſlaughter-houſes within this Burgh, nor in any Wynde, Cloſſe, or Vennall of the ſames nor tuime the blood, and filth of their ſlaughtered Goods upon the ſtreets, or in Cloſſes, or Vennalles: Nor that no Candle-makers keep their melting Houſes within the ſaid Burgh: But that the ſaid ſtacks of Hather, Broom, Whins, and other Fewell, ſhall be carried, and ſet at ſome remot parts of the ſaid Burgh, beſide the Ports, Walls, or North-Loch-ſide, where there are no Houſes. And that the ſaid Fleſhours ſhall provide themſelves of Slaughter-houſes, at the North-Loch-ſide, where they may have the uſe of the water for the away taking of the filth of their ſlaughter Goods. And that the Candle-makers provide themſelves of houſes, for melting of their Tallon and Cracklings, at ſome remot parts of the Town, from the common ſtreets, cloſſes, and vennals of the ſame: And ordains Letters to be directed, to make publication hereof, by open proclamation at the Maket Croſs of *Edinburgh*: wherethorow none pretend ignorance of the ſame: and to command, charge, & inhibit, all and ſundry perſons, Inhabitants within the ſaid Burgh, of what Trade or Caling ſoever they be: That they, nor none of them, nor none by their command, and direction, Found, build, or keep, any ſtacks or rucks, of Hather, Broom, Whins, or other fewell, within any of the Cloſſes, Vennals, or waſte places of the ſaid Burgh nor within their houſes: And that they remove the ſtacks which they already,

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have, and build the ſame at ſome remot places, about the ports and walls of the ſaid Burgh, where there are no houſes, or at the North-Loch-ſide: Betwixt and the firſt day of *May*, next to come: under the pain of confiſcation of the ſame Hather, Broom, and Whins, ſo to be ſtacked, againſt the meaning and intent of this Act: and further, under the payn of five hundreth pounds, to be payd by them, ſo oft as they ſhall happen to fayle. And ſuch like, to command all and ſundry Fleſhouirs, Inhabitants within the ſaid Burgh, That they prepare themſelves of Slaughter-houſes, at the North-Loch-ſide: where they may have the commoditie of water for their uſe: and that they in no wiſe preſume, nor take upon hand, after the ſaid day, to tuim the filth, or blood of their ſlaughtered Goods, upon the ſtreets, nor in the vennalles, cloſſes, and wyndes of this Burgh. As alſo, To charge all Candle-makers, That they betwixt and the day foreſaid, provide themſelves of houſes for melting of their Tallon, and Cracklinges, at ſome remote partes of the Town, from the common ſtreets, cloſſes, and vennalles of the ſame: under the pain of five hundreth pounds money, to be incurred by every perſon, Fleſhour, or Candle-maker, ſo often as they ſhall faile. And ſuch like, to command, and charge the Proveſt and Bayllies of *Edinburgh*, That they have a ſpeciall care and regard, to ſee this preſent Act to be preciſely and inviolably kept: as they will anſwer to His *Majeſty*, and the ſaid Lords, upon the dutifull diſcharge of their Office.

ACT XXX.

Act reſtraining the buying and ſelling of certain wylde Fowles.

OUR Soveraign Lord, with advice and conſent of the Eſtates of Parliament, conſidering the great abuſe and libertie, which hath been uſed theſe diverſe years by-gone, by the Subjects of this Realm, in buying and ſelling of wylde Fowles, of the particular ſpaces following: to wit, Of Pountts, Partricks, Muir-fowles, Black-cocks, Gray-hens, Termigants, Quayllies, Caperkayllies, &c. For reſtraining of which abuſe in time coming, Our Soveraign Lord, with advice and conſent foreſaid, ſtatutes and ordains, That no perſon whatſoever within this Realm, preſume, nor take upon hand, to buy nor ſell, at any time hereafter, any wylde-fowles of the ſpaces foreſaid: under the pain of an hundred pounds money to be incurred by the contraveener thereof, buyer or ſeller. And ordains this preſent Act to have the ſtrength and force of an Act of parliament, to be inviolably obſerved, in all time hereafter, after ay, and while the ſame be lawfully diſcharged, or altered.

ACT XXXI.

Anent Hunting, and Haulking.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, ſtatutes and ordaines, That no man Hunt nor Haulk at any time hereafter, who hath not a Plough of land in Heritage: under the pain of an hundreth pounds. Ordains His *Majeſty* to have the one half of the penaltie of the Contraveeners of this preſent Act: and the Dilator to have the other half of the ſaid penaltie.

ACT XXXII.

Anent the harrying of Haulke Neſts, and Hunting in Snow.

OUR Soveraign Lord, and Eſtates of this preſent Parliament, Ratifies, and Approves the Act of Parliament, made by King *James* the Third, of worthy memorie, in the ſeventh parliament anent the unlaw of ſtealing of Haulks

Haulks, Hounds, Partricks, and Dricks: in all and ſundry poynts, heads, articles, and clauſes thereof. With this addition, That the pain and penaltie of ten pounds therein contayned: Shall be now and in all time coming augmented againſt the contraveeners of the ſaid Act: under the pain of an hundreth pounds money of this Realm. And alſo, ratifies, and approves, all Acts of Parliament, made of before by His *Majeſties* moſt Noble Progenitours, anent the ſlaying and hunting of Hares, Does, and Rhoes in time of ſnow: And ſtatutes, and ordaines, the pain and penaltie againſt the contraveeners thereof, to be under the pain of an hundreth pounds money, (*toties, quoties*) as they ſhall happen to contraveen the ſame. And ordains the one half of the pain to be incurred by the contraveeners of this preſent Act, to be given to His *Majeſtie*, and the other half to the perſons Dilators of the contraveeners of the ſame.

ACT XXXIII.

Act Salvo Jure Cujuslibet.

FOR as much, as in this preſent Seſſion of Parliament, there are many Ratifications and Acts, in favours of particular perſons paſt: wherein diverſe and new Clauſes are inſert, which may be prejudiciall to particular parties rights, and derogative unto many and ſundry Laws lawfully made, and eſtabliſhed of before: albeit the meaning of the Eſtates be at this time, as it was ever in all preceeding Parliaments, That by no Act of Ratification, or Act granted unto any particular perſon, any other partie ſhould be hurt or prejudged. For remeed whereof, it is ſtatuted and ordained, That no Ratification, nor other Act, made in favours of any particular perſon, ſhall be prejudiciall to any private parties right: But that the ſaid Ratifications and Acts, made in favours of particular perſons, be always underſtood, *Salvo jure cujuslibet*.

Extracted forth of the Regiſters and the Books of the Acts of Parliament of this Kingdom of SCOTLAND, *By Sir* George Hay, *of* Kinfawns, *Knight, Clerk of His* MAJESTIES *Counſill, Regiſter, and Rolls.*

The

The Printed Acts and Laws past in the 23. Parliament, in what Page the same are to be found.

1 *A Ratification of the five Articles of the Generall Assembly of the Kirk, holden at* Perth *in the Moneth of* August, 1618. *page* 119.

2 *Anent the Taxation granted to His* Majesty, *of* 30. *shillings termly, upon the pound Land: and the twenty pennie of all annual-rents.* *page* 115.

3 *Anent the Collecting and in-bringing of the Taxation, and a relief to Prelats.* *page* 120.

4 *An Act of Ratification in favour of the Prince His Highnes.* *page* 126.

5 *Anent the plantation of Kirks, as yet unplanted.* *page* 127.

6 *Act anent compryfings.* *page* 133.

7 *Anent Adjudications.* *page* 135.

8 *Anent the Extracts of Infeftments, past upon Compryfings forth of the Privy Seal: where the same are not registrated at the Great Seal.* *page* 136.

9 *Anent giving of Licence to Bishops, to set their Ward-lands in Few-ferm.* ibid.

10 *Act declaring sums Grass, given to the Ministers for their Gleibs to be Teind-free.* *page* 137.

11 *Ratification and Addition to the Act of Parliament made anent Restitution of Chapters.* ibid.

12 *Anent Packing and Peyling.* *page* 138.

13 *Anent the discharging of Protestations.* ibid.

14 *Anent playing at Cards and Dyce, and Horse-races.* ibid.

15 *Act declaring all Tacks set for longer space then three years, without consent of the Patron, being persons under the degree of Prelats, since* 1594. *to be Null.* *page* 139.

16 *Anent Mets and Measures.* *page* 140.

17 *Anent the discharging of a peck to the Bow.* ibid.

18 *A Ratification of the Act of the Lords of Councel and Session, made in* July, 1620. *against unlawfull Dispositions, and Alienations, made by Dyvours and Bankrupts.* *page* 141.

19 *Ratification of the Act of Councel, anent the pryces of Writs, Seals, &c. made* 1606. *page* 142.

20 *Act ordaining annual-rent to be due after Horning.* *page* 153.

21 *Anent servants going lowse, and leaving their Masters service.* *p.* 154.

22 *Anent counterfeiting and making of false Writs,* ibid.

23 *A generall pardon for deeds done againſt penall ſtatutes (ſome few excepted,) and a diſcharge of* James Cranſton *his commiſſion.* *page* 155.
24 *Anent Evidents paſt the great Seal, which are not Regiſtrated.* ibid.
25 *Anent banquetting, and apparell.* ibid.
26 *Anent Thaicking of houſes in* Edinburgh, *with Sklait and Skaily.* *page* 158.
27 *Anent compryſing from apparent Heirs, extended as well unto mens own Debts, as their predeceſſors.* ibid.
28 *Anent taking annual-rent before hand.* *page* 159.
29 *Ratification of the Act of Secret Councell, againſt Backſters, Brewſters, Fleſhers, and Candle-makers of* Edinburgh. ibid.
30 *Act reſtraining the buying and ſelling of certain Wild-fowls.* *page* 161.
31 *Anent Hunting, and Haulking.* ibid.
32 *Anent the harrying of Haulk Neſts: and Hunting in ſnow.* ibid.
33 *Act* Salvo jure cujuſlibet. *page* 162.

A Table of the particular Acts and others, not Printed, past in the 23. Parliament, holden at *Edinburgh*, the 4. of *August*, 1621.

1 *Commission anent Monies.*
2 *Commission anent the Taxt Roll, within the Sheriffdom of* Kincardin.
3 *Commission anent Coals, and Coal-heughs.*
4 *Commission for modifying of Blench Duties, and Ministers Stipends, in erected Prelacies.*
5 *Reference to the Secret Councell, anent Maultsters.*
6 *Another anent the Inbringing of water to* Edinburgh.
7 *Reference to the Secret Councell anent the* Clangregor.
8 *Reference to the Secret Councell, anent the Taxation of the Sheriffdom of* Linlithgow.
9 *Reference to the Secret Councell, anent the professors of Medicin.*
10 *A Ratification in favours of the Marques of* Hamilton.
11 *An Act uniting the Provestrie of* Kirk-heugh, *unto the Archbishoprick of* Saint Andrews, *with diverse exceptions.*
12 *Ratification in favours of the Earl of* Angus.
13 *An Act in favours of the Earl of* Nithisdail.
14 *Act in favours of the Earl of* Winton, *anent the Regality of* Saint Andrews, *on the South-side of* Forth.
15 *Protestation made for* John Murray *of* Lochmaben, *anent* Tunningham.
16 *Ratification, and new dissolution in of* Jedburgh *anent* Cannabie, *in favours of the Earl of* Hume.
17 *Ratificatien in favours of the Earl of* Lowthian.
18 *Ratification in favours of the Earl of* Roxburgh, *anent* Kelso *and* Lesmahago, *with a new dissolution.*
19 *Ratification in favours of the Earl of* Kellie.
20 *Ratification in favours of the Earl* Melros, *of his Infeftment of* Binning, &c.
21 *Another of the Earl of* Melros, *of his Infeftment of* Melros, *with a new dissolution.*
22 *Act in favours of the Vicount* Lauderdail, *anent* Bolton.
23 *Dissolution of the Priorie of* Haddington, *in favours of the Master of* Lauderdail.
24 *Dissolution of the Priorie of* Cauld-stream, *in favours of Sir* John Hamilton *of* Trabroun, *Knight.*
25 *Annexation of the Chappel Royall to the Bishoprick of* Dumblan.
26 *Ratification to* Alexander *Bishop of* Dunkeld, *of his Infeftment of* Baltroddie.

27 *Ratification to the Biſhop of* Dumblane, *of his Infeftment of* Kinnucher.
28 *Proteſtation made for the Lord of* Lorne.
29 *Diſſolution of the Kirk of* Kilmachormuk, *from the Abbacie of* Kilwinning, *and an union thereof to the Biſhoprick of* Argyle.
30 *Act in favours of the Lord* Kilmavers, *anent the Kirk of* Dreghorn.
31 *Ratification in favours of the Lord of* Spynie.
32 *Ratification in favours of the Lord* Loudoun, *of his Infeftment of* Kyleſmuire, *&c*
33 *Ratification to the Lord of* Scoon, *of his Infeftment of* Drunduff, *&c.*
34 *Act in favours of* Andrew Ker.
35 *Ratification to the Lord of* Carnigie, *of his Baronie of* Fern, *&c.*
36 *Act in favours of* John Stewart, *anent his Rehabilitation.*
37 *Erection of* Coldinghame, *in favours of* John Stewart.
38 *Diverſe Proteſtations, againſt the ſaid Act, made in favours of* John Stewart.
39 *Act in favours of Sir* Richard Cockburn, *Lord Privy Seal.*
40 *Ratification to Sir* Richard Melvil, *of his Infeftment of* Lethun, Monimaile, *&c.*
41 *Ratification to Sir* George Hay, *of his Infeftment of* Kinfawns, *&c.*
42 *Ratification to Sir* William Oliphant, *and his ſons, of their Infeftments of diverſe lands.*
43 *Act in favours of Sir* Andrew Hamilton *of* Reid-houſe.
44 *Ratification in favours of* John Murray, *of Lochmaben, of two Infeftments.*
45 *Ratification in favours of* John Levingſton, *of his Infeftment of* Kinnard.
46 *Ratification in favours of* John Auchmutie, *of his Infeftment of* Scougal.
47 *Ratification of diverſe Infeftments, granted to the Town of* Edinburgh.
48 *Ratification to the Town of* Edinburgh, *of the liberty of bearing a Sword of Juſticiarie, of Peace, of Unlaws, the Exciſe of Wine, the Fadgerie, &c.*
49 *Ratification of diverſe Infeftments granted to the Town of* Edinburgh, *for ſuſtentation of Colledge, Miniſters, and Hoſpitals,*
50 *Act diſjoyning the parts lying within the Ports of* Edinburgh, *from* Saint Cuthbert, *and* Holy-Rood-houſe.
51 *Act in favours of the Keepers of the Kings Caſtles.*
52 *Proteſtation made for the Earl of* Errol, *Great Conſtable.*
53 *Proteſtation made by the Earl* Marſhal.
54 *Proteſtation made by the Earl of* Monteith, *and Lord of* Roſſe.
55 *Proteſtation to the Town of* Leith.
56 *Declaration in favours of other Burrows, anent the Acts granted in favours of* Edinburgh.
57 *Ratification in favours of Mr.* Alexander Gibſon, *Laird of Dury.*
58 *Ratification in favours of the Laird of* Waichton.
59 *Act in favours of the Laird of* Lochinvar.
60 *Act in favours of the Laird of* Caddel.

61 *Act in favours of the Laird of* Whittinghame.
62 *Act in favours of the Laird of* Corſtorphin.
63 *Act in favours of the Laird of* Buchanan.
64 *Act in favours of the Laird of Saint* Monans.
65 *Act in favours of Sir* John Scot, *of* Scots-Tarvet.
66 *Two Acts in favours of* Alexander Cranſtoun *of* Moreſtoun.
67 *Act in favours of the Laird of* Ruchlaw.
68 *Act in favours of* William Barclay *of* Innergelly.
69 *Ratification to Maſter* Thomas Hope, *of* Craighal, *of his inveſtment of* Arnydie.
70 *Act anent the Union of the Lands of* Kinninmonth, *&c. unto the Kirk of* Seres.
71 *Act in favours of the Univerſitie of* Saint-Andrews.
72 *Act in favours of Maſter* William Forbes, *of* Craigievar.
73 *Licence to Sir* George Hay, *anent ſelling of his Iron.*
74 *Ratification to* William Maxwell, *of his Infeftment of* Juſting Leys, *and Vicarage of* Kirkbeane.
75 *Ratification in favours of the Laird of* Corſtorphin.
76 *Ratification of the Gift of the Chamberlainrie of* Fyffe, *granted unto umquhile Sir* James Hay.
77 *Commiſſion to the Lords of Seſſion, in favours of the Lord of Spyny.*
78 *Act in favours of* James Winrame.
79 *Act in favours of Maſter* Walter Wheitfurd, *anent the Miniſtery of* Falfurd.
80 *Act in favours of Sir* George Hume *of* Manderſtoun.
81 *Act in favours of Maſter* William Kelly.
82 *Act in favours of* William Dowglas *of Cavers.*
83 *Ratification in favours of the Town of* Elgin.
84 *Act in favours of Sir* John Campbell, *anent the Kirk of* Loudon.
85 *Ratification in favours of the Town of* Elgin.
86 *Acceptation by the Parliament of the Offer made by the extraordinary Lords of Seſſion, anent the Taxation.*
87 *An Act, and Commiſſion, granted by Parliament, upon the offer made by the Advocats, and other Members of the Colledge of Juſtice, anent their Taxation.*

The end of the 23. and laſt Parliament, of Good King James the Sixth.